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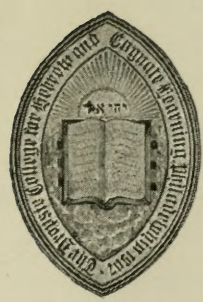
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CRESCAS ON THE PROBLEM OF DIVINE ATTRIBUTES

BY HARRY AUSTRYN WOLFSON, Harvard University.

PREFATORY NOTE.

IT has been well said that in Arabic, and for that matter also in Jewish philosophy, the problem of Universals had never acquired, as it did later on in Scholasticism, the importance of an independent subject of inquiry. Still, the problem was not altogether unknown. Always latent, it occasionally cropped out in various philosophical discussions. We need only slightly penetrate below the surface of some controversies of the time in Metaphysics and Psychology to discover the lurking presence of the problem of Universals. For the true problem of Universals began with the rejection of Platonic Realism. Admitting with the Aristotelians that genera and species are mere products of the mind, the question was then raised as to what was the nature of those intellectual conceptions and their relation to the individual beings. It was this field of inquiry that proved a fertile ground for the crop of the many subtle and hardly distinguishable mediaeval theories of Universals. Now the same problem must inevitably appear whenever the mind perceives a distinction of a purely intellectual character in an object, and the solution of that problem will of necessity prove more difficult when, in addition to defining the nature of that intellectual distinction, we must at the same time safeguard

the unity of the object. Thus, for instance, in the case of the soul, one and homogeneous, we may ask what is the relation between the essence and its faculties. And in the case of God, too, the absolutely simple, how are His attributes related to His essence?

It is as a problem of Universals in disguise that the problem of Attributes will be herein presented. I shall therefore forego the discussion of the lexicographical and exegetical aspect of the problem, namely, the enumeration of all the Attributes found in the Bible, and their explanation by Jewish philosophers, the object of this paper being to discuss the general principles underlying the problem and its solution. As part of a larger work upon the philosophy of Crescas, it deals more fully with that author. The two chapters devoted to him are intended both to present a constructive view of his theory and to serve as a commentary on his text. They are preceded by a chapter devoted to a general treatment of certain representative authors advisedly selected for their value as an introduction to the study of Crescas.

CHAPTER I

AN ANALYSIS OF THE PROBLEM AND SOME REPRESENTATIVE SOLUTIONS.

I.

THERE are four initial assumptions underlying the problem of divine attributes in mediaeval philosophy. The starting-point of the problem is the rationalistic attempt to invest the Scriptural predications of God with the validity of logical judgements. Then, a logical judgement is defined, after Aristotle, as having a double content, synthesizing as it does two distinct terms, of which one must be a universal,

by bringing them together by one of the several relations obtaining between subject and predicate. In addition to these two assumptions, while Platonic Realism is not an essential prerequisite, the problem of attributes involves an anti-nominalistic conception of Universals. Finally, it follows Avicenna in identifying God with the metaphysical conception of necessary existence, whose simplicity by definition precludes from its being not only actual composition, but likewise any suggestion of noetic plurality and relativity. The question is then raised, How can we form a logical judgement about God without at the same time creating the anomaly of having the unrelatable Necessarily Existent brought into some logical relation with some predicate distinct from Himself? It is this apparent incompatibility of the formal interpretation of Biblical phraseology, the synthetic conception of a logical judgement, the anti-nominalistic view of universals, and the Avicennean definition of necessary existence that lies at the basis of the problem of attributes.

In Maimonides' treatment of Attributes we find a clear if not a formal statement of the problem. He sets out with a rationalistic definition of faith. Faith is not the correlative of reason, but rather the consummation of the reasoning process. Nor is it a mere attitude of mind, an inane state of consciousness; it is the comprehension of some objective reality. Furthermore, faith is not immediate comprehension or intuitive knowledge, the claim of mysticism, but it is resultant knowledge, the positive intellectual certainty arrived at after a process of ratiocinative reasoning. Faith thus being knowledge, derivative and logically demonstrable, the profession of faith must, therefore, have the force of logical judgements. They cannot be mere verbal

utterance, mere irresponsible exclamations indicative but inexpressive of an attitudinal belief; they must be the embodiment of the conclusions of logical syllogisms, in which the premisses, though not stated, are assumed. Consequently the articles of faith, containing asseverations about the nature and being of God, based upon corresponding affirmations taken from the Scriptures, are perforce logical propositions conforming to all the regimens regulating such propositions.¹

But a logical proposition must contain a synthesis of two distinct terms. Identity, contends Maimonides, is not a relation. A proposition in which the subject and predicate indicate one and the same thing is logically meaningless, for to assert that *A* is *A* is a mere tautology.² In this as well as in his subsequent elaborate statement of what he considers as real, logical relations, though at first sight he does not appear to do so, Maimonides is really following in the footprints of his Stagirite master. In order to show

¹ Cf. *Moreh*, I, 50. This identification of Faith with ratiocinative reasoning was common among certain classes of Moslem thinkers, and was not unknown to Jewish philosophers prior to Maimonides (cf. Kaufmann, *Attributenlehre*, p. 369, note 9. To Kaufmann's references may be added Hobot ha-Lebabot, I, 1). It seems to me that this view may be traced directly to Aristotle through Simplicius. In *De Caelo*, book I, chapter ii, Aristotle has the following statement: Διόπερ ἐξ ἀπάντων ἂν τις τούτων συλλογισζόμενος πιστεύσειεν. Upon this Simplicius comments as follows: 'Ἡ πίστις διττὴ ἐστίν, ἡ μὲν χωρὶς ἀποδείξεως ἀλόγως γινομένη, οἷαν τινὲς ἴσχουσι καὶ ἐπὶ τοῖς ἀτοπωτάτοις, ἡ δὲ μετὰ ἀπόδειξιν καὶ συλλογισμόν ἀποδεικτικόν, ἥτις καὶ ἀσφαλὴς ἐστὶ καὶ ἀνέλεγκτος καὶ τῇ ἀληθείᾳ τῶν ὄντων συμπεφυκυῖα . . . κάλλιον δέ, οἶμαι, λέγειν, ὅτι ταῖς ἀποδεικτικαῖς ἀνάγκαις προσεῖναι παραινεῖ πανταχοῦ μὲν, μάλιστα δὲ ἐν τοῖς περὶ τῶν θείων λόγοις τὴν ἀπὸ τῆς πίστεως συμπάθειαν, οὐ μόνον βεβαίωσιν τῆς ἀληθοῦς γνώσεως ἐμποιοῦσαν, ὅταν μετὰ τὴν ἀπόδειξιν ἐπιγένηται, ἀλλὰ καὶ τὴν πρὸς τὰ γνωστὰ ἔνωσιν, ἥτις ἐστὶ τὸ τέλος τῆς ἀνθρωπίνης μακρότητος (*Simplicii in Aristotelis De Caelo Commentaria*, ed. I. L. Heiberg, Berlin, 1894, p. 55).

² Cf. *Moreh*, I, 51.

this congruity, let us first give a genetic analysis of Aristotle's predicables.

It is from his classification of the Categories that Aristotle derives his predicables, for whatever other purpose that classification might have originally served in Aristotle's system, its function as expressing logical relations between subject and predicate is unquestionable.³ When Aristotle, however, uses the categories in their restrictive application of predicables, instead of their common tenfold classification, he adopts their less current division into two, Substance and Accident.⁴ Thus the predicate of a proposition may be either a Substance or an Accident. Neither of these, however, can be a particular. Two individual substances, denoting one and the same thing, cannot be related as subject and predicate. Likewise a definite accident cannot be predicated of a subject. 'John is John' and 'The table is *this definite red*' are not logical propositions. Conse-

³ Whether the Categories were originally intended by Aristotle as logical or ontological divisions is a moot point (cf. Zeller, *Aristotle*, vol. I, p. 274, note 3; p. 275, note 1; Grote, *Aristotle*, vol. I, ch. iii). No question on this point, however, existed for the Arabic and Jewish philosophers. To them it was clear that the Categories were both logical and metaphysical, and are treated as such in the works of Alfarabi, Avicenna, and Algazali. Likewise in the Scholastic philosophy, the Categories had logical as well as metaphysical significance (cf. De Wulf, *Scholasticism Old and New*, p. 141).

⁴ Averroes, in his paraphrase of Aristotle's Categories (ספר המאמרות (לבן רש"ר), has the following classification: (1) Universal Substance (העצם הכולל), which is predicable of a subject but does not exist in it (ינשא על נושא ואיננו בנושא). (2) Particular accident (מקרה נרמז), which exists in a subject but is not predicable of it (הוא בנושא ולא ינשא על נושא). (3) Universal accident (המקרה הכולל), which both exists in a subject and is predicable of it (ינשא על נושא והוא נ"ב). (4) Particular Substance (איש העצם), which neither exists in a subject nor is predicable thereof (לא ינשא על נושא ואיננו בנושא). Cf. Organon, *The Categories*, ch. ii.

quently, whether substance or accident, the predicables must be universals. Now, a universal substance may denote either the genus or the species of a thing, and a universal accident may be differentiated, with respect to its applicability, as more or less essential to the subject. In this way Aristotle derives his four predicables: genus, species, property, and accident, which, raised to five in Porphyry's 'Introduction' by the addition of 'specific difference', were referred to by mediaeval logicians as the five predicables.⁵

Herein, if I am not mistaken, we may find the origin of Maimonides' fivefold division of the possible relations between subject and attribute. Their difference in nomenclature is more apparent than real, and the process of their derivation from the Categories will be shown to tally with that followed by Aristotle. As already mentioned, Maimonides rejects identity as a logical relation, that is, the attributes cannot be taken as individual, first substances. What is now left is the alternative, that they must be either universal substances or universal accidents. In the words of Maimonides: 'It will now be clear that the attributes must be one of two things; either the essence of the object described—in that case it is a mere explanation of a name, &c.—or the attribute is something different from the object described' (*Moreh*, I, 51). This general twofold classification is now subdivided by Maimonides into five classes. Taking universal substance, from which the Aristotelians get genus, species, and specific difference, Maimonides

⁵ Cf. *Intentions*, Logic. Algazali enumerates these five universals (הכוללים הנפרדים; הנפרדים החמישה) which may be predicated of a subject, namely, סוג, מין, הברל, סגולה, מקרה. Sharastani likewise names the same five predicables: الفصل الخاصة، العرض العام، الجنم النوع (ed. Cureton, p. 350).

divides it with respect to its function rather than with respect to its content, thus obtaining two classes, Definition and Part of Definition, for the combination of genus with species or with specific difference forms a definition, whence any one of these three may be properly called Part of Definition. Then again, taking universal accident, which by Aristotle is roughly subdivided into property and (general) accident, bearing upon the tenfold division of Categories, Maimonides divides it more minutely into three classes. The Categories of quantity and quality yield the relation of *Property*; those of Relation, Space, Time, Situation, and Possession are placed under the heading of *External Relations*, whereas the Categories of Action and Passion are designated by him as *Dynamic Relations*. Applying this theory of logical relations to the interpretation of divine attributes, Maimonides arrives at the following conclusion. The divine attributes cannot be identical with their subject, and, while they must be distinct, their relation to it must be equivalent to that of a Definition, Part of Definition, Property, External Relation or Action.⁶

If in the Biblical predications of God, as it has been shown, the attribute must be distinct from but related to the subject, the question then arises, By which of the five enumerated relations are they conjoined? To answer this question it must first be determined what is the nature of the subject of those attributes, or God, in so far as it is known by the proof for His Existence. Now, so much is known about the nature of God, that He is necessary existence, a term used by Avicenna, and corresponding to the Aristotelian Prime Mover. For just as Aristotle, taking motion as the starting-point of his physical inquiries, ulti-

⁶ Cf. *Moreh*, I, 52.

mately arrived at the inevitable existence of a Prime Immovable Mover, so Avicenna, reflecting upon the nature of necessity and contingency, eventually concluded that there must be something that is Necessary Existence.⁷ Whether Aristotle's Prime Mover should be identified with Avicenna's Necessary Existence is a controversial point which does not concern us now, and will be taken up elsewhere.⁸ It is, however, clear that in his discussion of divine attributes Maimonides starts out with the Avicennean conception of Necessary Existence, the proof for which is incorporated by Maimonides within his various proofs for the existence of God.⁹ Now, in the Avicennean application of the term, necessary or absolute existence means the negation of any cause whatsoever, the final as well as the efficient, the formal as well as the material. Thus the term Necessary Existence, negative in its original meaning with respect to causation, has ultimately acquired by the negation of all causes whatsoever the additional meaning of absolute simplicity and all which that connotes. The Necessarily Existent must, therefore, be absolutely simple, that is, its essence must exclude not only actual plurality, but metaphysical and epistemological plurality as well, being in no less degree impervious to the distinction between matter and form, genus and species, than to actual, physical disintegration and composition. Absolute simplicity, according to Avicenna, excludes the five possible kinds of plurality: (1)

⁷ This will be fully discussed in a chapter on 'The Proofs for the Existence of God'. Cf. *Moreh*, II, 1, Third Argument.

⁸ Cf. *ibid.*

⁹ Cf. *Moreh*, II, 1, Third Philosophical Argument. This Avicennean argument is introduced by Maimonides as follows: 'This is taken from the words of Aristotle, though he gives it in a different form' (cf. Hebrew commentaries).

Actual plurality as that of physical objects; (2) noetic plurality as that of matter and form; (3) of subject and attribute; (4) of genus and species; and (5) of essence and existence.¹⁰

Absolute simplicity is thus the main fact known about necessary existence. And so, says Maimonides, when the necessarily existent is placed as the subject of a proposition, it cannot be related to its predicate by any of the first four of the five classes of relations enumerated. The reasons for that are variously stated by Maimonides, but it seems to me that they can all be classified under two headings: first, the implication of plurality; and second, the implication of similarity.¹¹

¹⁰ Cf. *Destruction of the Philosophers*, Disputation V.

¹¹ The classification of Maimonides' arguments into these two divisions is based upon the following facts: In chapters 50 and 51, Maimonides explicitly states that his ground for the rejection of attributes is to be found in the simplicity of the divine substance. In chapter 52, in his enumeration of the five classes of attributes, the first three are rejected for the following reasons: Definition because God has no previous causes (שהוא ית' אין); Part of Definition because it would imply that in God essences were compound, and so it could have a definition which has been excluded on account of the implication of previous causation (cf. Afodi's commentary); Property because God is not a magnitude, He is not affected by external influences, He is not subject to physical conditions, and He is not an animate being. Now, all these reasons are in fact nothing but modifications of the chief reason, namely, the implication of the composition of the divine essence. They are thus summed up by Maimonides himself: 'Consequently, these three classes of attributes, describing the essence of a thing, or part of the essence, or a quality of it, are clearly inadmissible in reference to God, for they imply composition.' והנה אלו שלשה חלקים מן התארים, והם מה שיורה על מהות, או על איכות אחת נמצאת במהות, כבר התבאר המנעה בחקו יתעלה מפני שהם כלם מורים על הרבבה. The fourth class of attributes, that of external relation, are rejected by Maimonides not because they imply composition in the divine essence, but because a real external relation must not be assumed to exist between God and created beings. Why that must not be assumed, however, is explained

As for the first of these reasons, Maimonides restates Avicenna's conception of absolute simplicity. 'There cannot be any belief in the unity of God except by admitting that He is one simple substance, without any composition or plurality of elements; one from whatever side you view it, and by whatever test you examine it; not divisible into two parts in any way and by any cause, nor capable of any form or plurality either objectively or subjectively' (*Moreh*,

by him later on in chapter 56 on the ground that every relation implies similarity, the latter of which is inadmissible on independent grounds. Thus all the arguments against attributes may be reduced to the two classes I have named. In chapter 55 Maimonides advances the following four arguments against attributes: They imply (1) corporeality, (2) passiveness (הפעלות), (3) non-existence or potentiality (העדר, בכח), (4) similarity (דמיון). Here, too, the first three reasons are all reducible to the single reason that they imply composition. Likewise Crescas, in his restatement of Maimonides' arguments against positive attributes, classifies those arguments in the two parts I have mentioned. He says: 'If his contention were true that attributes must be negated on account of the inadmissibility of composition and of relation or similarity between God and others.' ומהם שאם היה החיוב שהיינו מושלילת התארים אמת, להמנעות ההרכבה ולהמנעות שום יחס ודמיון בינו ובין זולתו (מ"א, כ"ג, פ"א p. 25a). Abrabanel, however, reduces Maimonides' arguments to the following threefold classification: (1) on account of God's incorporeality, (2) on account of His eternity, and (3) on account of His unity (cf. commentary on *Moreh*, I, 51): 'ועיין שעשה הרב כאן באמונת התארים ג' בטולים הא': מצד היות הש"י מסולק מן הגשמות, הב' מצד היותו קדמון, והג' מצד היותו אחד. Kaufmann approves of Abrabanel's classification (cf. *Attributenlehre*, p. 377, note 22).

Abraham Shalom has the following classification: (1) On account of the implication of plurality in God, (2) on account of the limitation of human understanding, and (3) on account of the implication of similarity or relation between God and His creatures (cf. *Neveh Shalom*, XII, i, iii). . . . האחת להיותו ית' מחוייב המציאות אינו מורכב מחלקים . . . השנית היא מצדנו שהב' לא יוכל לתאר הבב"ת באמת, השלישית . . . ואין לו ית' שום יחס ודמיון עם ברייתו. As will be noticed, the second of these three arguments is not found among the formal arguments of Maimonides.

Albo's classification of arguments against positive attributes (cf. *infra*, Chap. III, note 125) is not based upon Maimonides' text.

I, 51). Consequently, predicates taken in the sense of definition, part of definition, and accretion are inadmissible with respect to God. They all imply plurality in some sense or other. That accretive qualities are inadmissible goes without saying, since they imply that the subject is composed of external attributes inherent in or adherent to its substance. The inadmissibility of a definition or its parts is not so obvious. To affirm of God attributes which, like the parts of a definition, are merely descriptive of the substantial essence without implying the composition of the substance with anything unessential, would at first sight seem to be quite appropriate. That too, however, is inadmissible, for while the parts of a definition do not imply the composition of the defined substance with something external thereto, there is still the implication that the substance itself is composed, as it were, of two essences, the particular and the universal. It is here that Maimonides' theory of universals comes into play. For nominalism, it may be inferred, Maimonides had the same abhorrence as for logical verbalism.¹² There is the ring of a genuine

¹² It is generally stated that Arabic as well as Jewish philosophers were all nominalists (cf. Munk's *Mélanges*, p. 327), 'Les Péripatéticiens arabes, comme on le pense bien, devaient tous professer le nominalisme d'une manière absolue, et plusieurs d'entre eux se prononcent à cet égard dans les termes les plus explicites'. Among the last referred to he includes, in note 1, also Maimonides, who in *Morsh*, III, 18 states that 'species have no existence except in our own minds' (שאין חוץ לשכל שום נמצא אבל המין) (נשאר הכלליות דברים שכליים). Cf. also Kaufmann's *Attributenlehre*, p. 379, note 29, 'Was aber Maimûni's Stellung in dem Streite über die Universalien angeht, so bekennt er sich als Aristoteliker zum strengen Nominalismus und läugnet entschieden deren Realität'. Of course, to say that one is a nominalist does not mean anything unless it is definitely explained how the term nominalism is employed. With regard to Maimonides it must be positively stated that his nominalism did not go further than the rejection of Platonic realism. His statement to the effect that the universals are in

feeling of contempt, characteristic of his rationalistic temper of mind, in his sneers at a *flatus vocis*, at 'things that are only said, existing only in words, not in thought, much less in reality' (*Morch*, I, 51). Platonic realism, claiming the reality of ideas apart from the world of sense, had been discredited with the advent of Aristotelianism long before the age of Maimonides.¹³ In various works on Logic and Metaphysics the absurdity of such a conception is pointed out without even recording a dissenting opinion. Conceptualism, to be sure, had found adherents among Arabic philosophers, but Maimonides, no less than Avicenna, evidently rejected that view. To him the assertion of ideal without real existence could have no meaning. Subjective reality, if it means anything, could merely mean that the reality affirmed has only a verbal significance. It is undoubtedly with reference to Conceptualism that Maimonides points out the meaninglessness of ideal existence and the incongruity in 'the assertion of some thinkers, that the ideas, i.e. the universals, are neither existent nor non-existent'¹⁴ (*Morch*, I, 51). What Maimonides, as a follower of Avicenna and in common with all his contemporaries, conceived of universals is that they have both ideal and real existence. Universals, to be sure, exist in the mind, but the human mind does not *invent* them out of nothing.

mind does not commit him to anything definite. That very same statement had been used by Averroes in quite a different sense. The question is, as we shall see, how much in mind they are, and this can only be determined by analysis of such problems where the existence of universals is involved. From our analysis of Maimonides' theory of Attributes it will be gathered that it can hardly be said of him that he was a nominalist 'd'une manière absolue' or that he declared his adherence 'zum strengen Nominalismus'.

¹³ Cf. Munk's *Mélanges*, p. 327.

¹⁴ Cf. Munk's and Friedländer's notes on this passage; Munk's *Mélanges* pp. 327 and 328, n. 1; Kaufmann, *Attributenlehre*, p. 379, n. 29.

What the mind does is only to *discover* them in the multifarious individuals. For prior to the rise of individual beings the universals exist in the mind of God as independent entities, and they remain as such even when they enter upon plurality in material form, though their presence in the individuals is indiscernible except by mental activity.¹⁵ Consequently even in essential attributes, as those which form a definition, there must necessarily be the implication of plurality in the subject. For the definition is not merely a verbal description of the essence, the latter being in itself one and uniform, but, as said Avicenna, the parts of the definition are the predicates of the thing defined. And so, since genus and specific difference are real in a certain sense, and not mere words, the thing defined by its genus and specific difference must be composite in so far as that genus and specific difference are real. That composition, to be sure, would only be mentally discernible, but still it would be inconsistent with the conception of absolute simplicity.

Let us now assume that the universals predicated of God are neither essential nor accidental qualities, but rather external relations between God and His creatures. This interpretation of attributes though sanctioned by the traditional philosophy of his time¹⁶ is rejected by Maimonides

¹⁵ Cf. Avicenna's *Eš-šefah*, translated by M. Horten under the title of *Die Metaphysik Avicenna's*, Part V, ch. 1; De Boer's *Philosophy in Islam* (Eng. tr.), p. 135; Prantl's *Geschichte der Logik*, vol. II, in his exposition of Alfarabi, pp. 305-6, and in that of Avicenna, pp. 347 and 384, especially note 181; Carra de Vaux, *Avicenne*, pp. 224-5.

¹⁶ In his *Intentions of the Philosophers* (*Metaphysics*, Part III, On the Attributes), Algazali restates Avicenna's interpretation of divine attributes as (1) negations (שלילה) and (2) relations (ערוך). Under relations he includes both what Maimonides calls 'external relations' and what he calls 'actions'. The same view is repeated by him in his *Destruction of the Philosophers*, Disputation V. Among Jewish philosophers, Abraham Ibr

as inadequate. In their ultimate analysis he says all such relations may be shown either to have no meaning at all, or, if they do have any meaning, to imply similarity between God and other beings. Relations are fourfold: temporal, spatial, reciprocative, and comparative. God, being incorporeal, cannot have any temporal or spatial relations. Again, His self-sufficiency and absolute independence precludes the relation of reciprocity, for His creativeness, His knowledge, and His beneficence are absolutely independent of the created, known and beneficiary objects. Finally, a relation of comparison exists only when things compared involved a specific identity, and differ only in individual diversity. White and green on that account are incomparable terms, even though they are identical as to their genus colour. Nor are they related terms; they are rather correlative and antithetical, their diversity being specific. God cannot, therefore, be compared with and related to other beings with respect to any predicate affirmed of Him, since all His predicates are indicative of attributes which are identical with essence, and hence absolute and immutable.¹⁷ Nor can we claim that the attributes are some kind of subjective external relations, for every relation must imply a similarity.¹⁸ If two things are related they are in so far

Daud, in his *Emunah Ramah* (Book II, Principle III), permits the use of relational attributes. In fact Maimonides was the first to distinguish between external relations and actions, and while permitting the latter to proscribe the former. Cf. *infra*, Chap. II.

¹⁷ Cf. *Moreh*, I, 52.

¹⁸ Cf. *ibid.* 'Besides, if any relation existed between them, God would be subject to the accident of relation, and although that would not be an accident to the essence of God, it would still be, to some extent, a kind of accident.' To which Shem-tob adds the following explanation: 'If any relation was affirmed of Him, even though an unreal relation, God would be subject to the accident of relation, that is to say, God would have to

similar, and so if a subjective relation means anything there must also be some meaning to subjective similarity. But there can be no similarity between God and other beings; hence, there cannot be any relation between them. For the preclusion of similarity Maimonides advances no arguments.¹⁹ He refers to it as a well-accepted principle which seems to be exclusively based upon Scriptural inferences.

Of the five logical relations originally postulated by Maimonides there is now only one left, the dynamic, which has not been disqualified as a possible explanation of divine attributes. This is retained by Maimonides. The divine attributes are dynamic relations, that is to say, they are descriptive of the operating process of the activity rather than of the qualification therefor.²⁰ That the assertion of resemble some other creature, even though that relation would not be an accident added to His essence.' ואם יתחם לו שום יחס אפילו שיהיה בלתי אמתי ישיגהו מקרה היחס, והוא שיהיה דומה לשום נברא אעפ"י שאינו מקרה נוסף עליו. Shem-tob's explanation is probably based upon chapter 56, wherein Maimonides elaborately explains the interdependence of relativism and similarity.

¹⁹ For the negation of similarity Maimonides advances no argument except that of authority. 'Another thing likewise to be denied in reference to God is similarity to any existing being. This has been generally accepted [even by the Mutakallemim, cf. Shem-tob's commentary], and is also mentioned in the books of the Prophets; e. g. "To whom, then, will you liken me?" [Isa. 40. 25].' ומה שראוי בהכרח שירוחק ממנו ג"כ. 'הרמיו לשום דבר מן הנמצאות, וזה דבר כבר הרגיש בו כל אדם [ואפילו המדברים, שם טוב] וכבר נלה בספרי הנביאים בהרחקת הרמיו ואמר, ואל מי תדמיון אל. Though later on he adds, 'It is necessary to demonstrate by proof that nothing can be predicated of God that implies similarity' (ראוי בהכרח להרחיקו ממנו במופת . . . מה שיביא לדמיון), he does not, however, state the proof for this, except that by inference he maintains that similarity must imply a real and not only an external relation. Cf. *Hobot ha-Lebabot*, I, 7, והששי.

²⁰ Cf. *Moreh*, I, 52. 'I do not mean by *its actions* the inherent capacity for a certain work, as is expressed in *carpenter*, *painter*, or *smith*, for these

activities implies no plurality in the subject is apparent, for activities denote some external relation of the subject to its environment. In point of fact, most of the Arabic as well as Jewish philosophers do not treat activities as a special logical relation; but, including them together with space and time under the heading of External Relation, admit them all as divine attributes.²¹ The separation of activities as a distinct class of logical relations is effected here by Maimonides because of his rejection of non-dynamic external relations on account of their implication of similarity. It might be questioned, indeed, Why should not activities, too, be excluded on account of similarity? As we shall see later on, this difficulty has not been allowed to pass unchallenged by Crescas.²² For our present purpose, it suffices to state that dynamic relations, according to Maimonides, imply no plurality in the subject, and consequently the divine attributes must be interpreted as designations of activities.

There are, however, two points with regard to dynamic attributes which need some further explanation. First, while it is true that the assertion of any action in itself does not necessarily imply the existence of an accidental quality in the subject, the assertion of many diverse actions, it would seem, must of necessity be accounted for by some kind of diversity in its source, the subject. Second, while some of the Scriptural attributes, as knowledge, can be easily turned into actions, there are others, as life, which do not appear to have any active implication whatsoever. As to

belong to the class of qualities which have been mentioned above; but I mean the action the latter has performed. We speak, e.g. of Zaid, who made this door, built that wall, wove that garment.'

²¹ Cf. *supra*, note 16.

²² Cf. *infra*, Chap. II.

the first, Maimonides maintains that the various activities affirmed of God are in reality emanating as a single act from the divine essence, its manifold ramification being only apparent.²³ As a single ray of light emanating from a luminous object, by striking through a lens breaks into many rays, so the single act of God becomes diversified by striking the lower strata of reality. One in essence, its manifoldness is due merely to the various aspects in which the divine action appears to the human eyes. As for the second point, Maimonides shows inductively how all the Biblical predications have active implications.²⁴ To do that, however, there was no need for him to go through the entire list of attributes found in the Bible. Most of them had been admitted by the Attributists themselves to be actions;²⁵ some of them were a matter of controversy. There were only four, which, unable to interpret as actions, the Attributists considered as essential attributes. These four—life, knowledge, will, power—are shown by Maimonides, in their ultimate analysis, to be actions, and one single action withal.

While the controversial attributes of life, knowledge, will, and power are interpreted by Maimonides as dynamic relations, the attributes of existence, unity, and eternity are admitted by him to be nothing but static.²⁶ And yet they are not attributes; they are absolutely identical with the divine essence. In created beings, to be sure, Maimonides, following Avicenna and the early Arabic philosophers, declares existence and unity to be adjoined to the essence;

²³ Cf. *Moreh*, I, 53.

²⁴ Cf. *ibid.*

²⁵ Cf. Abrabanel's quotation from Averroes in his commentary on the *Moreh*, I, 53.

²⁶ Cf. *Moreh*, I, 57.

in the case of God, however, they are the essence itself.²⁷ But if you argue that since identity is not a relation, the proposition that 'God is existent' or that 'God is one' would be tautological, the answer is that the predicates in this case, though positive in form, are negative in meaning; that logically 'God is existent' is equivalent to 'God is not absent', and 'God is one' to 'God is not many'. And having once stated this new solution of the problem of attributes, reverting now to those predicates he has previously interpreted as actions, Maimonides declares that even those may be taken as static and interpreted as negations.²⁸

The admissibility of negative attributes, which is at first stated by Maimonides as an incontestable fact, is afterwards subjected to a searching examination.²⁹ In an elaborate discussion, illustrated by concrete examples, he clearly points out the distinction between the knowledge of a determinate and of an indeterminate object. Negative attributes as well as positive ones define and limit the object of knowledge, but they do so in different ways. Positive attributes limit the number of all the possible conjectures about an unknown object by singling out a few which constitute its essence; negative attributes eliminate all those conjectures by showing that neither one nor all of them constitute its essence. The former, therefore, is a characterization of the object; the latter is only a circumscription and individualization thereof. As the divine

²⁷ Cf. *Moreh*, I, 57, and *infra*, Chap. II.

²⁸ This may be deduced from the following passage: 'Consequently God exists without existence. Similarly He lives without life, knows without knowledge, is omnipotent without omnipotence, and is wise without wisdom' (*ibid.*).

²⁹ Cf. *Moreh*, I, 58.

essence is without determinations and is unknowable, negative attributes are permissible, whereas positive ones are proscribed.

In this statement of Maimonides' negative interpretation of attributes I have followed the traditional view. Maimonides, according to this, attaches no significance whatsoever to the positive form of those attributes which are interpreted by him negatively.³⁰ 'God is existent' means 'God is not absent', the positive form of the former proposition being absolutely meaningless. This interpretation of Maimonides, though prevalent and widespread, does not, however, seem to me quite correct. I think he attributes some logical significance to the positive form of judgements about God as well as to their negative contents. Let us just briefly restate the problem which Maimonides was called upon to solve. His main problem was not whether God possesses any essential attributes. That assumption was ruled out of court by the absolute simplicity of God on the one hand, and by the Avicennean theory of universals on the other; his main problem concerned the meaning of the logical predicate affirmed of God. These predicates, not being universals, and of necessity identical with the divine essence, must consequently form tautological propositions. It is this avoidance of a tautology, I think, that Maimonides aims at in his negative interpretation of attributes. The divine predicates, he says, though expressing a relation of identity with the subject, are not tautological, for the affirmation of identity has an emphatic meaning, implying as it does the negation of diversity. 'God is existent' is, to be sure, equivalent to

³⁰ Cf. Gersonides' criticism of Maimonides in *Milhamot*, III, 3, which is quoted below in note 54.

the affirmation that 'God is God', but still even the latter proposition may be logically justified if it means to emphasize that 'God is not Man'. Similarly 'God is existent' emphasizes the negation of absentness. The justification of identity as a logical relation by means of its emphatic use, is found in the Logic of Alfarabi.³¹ Thus, the positive forms of predicates are not altogether useless according to Maimonides. And this is exactly what he means by saying that the divine predicates are homonymous terms. Not being universal, and expressing a relation of identity, divine predicates are absolutely unrelated with similarly sounding predicates describing other beings. In the following statements of Maimonides, 'God exists without existence, lives without life', &c., we clearly see that 'God is existent' does not merely mean that 'God is not absent', but what it means is that God is existent with an existence of His own, identical with His own essence. To affirm this is to emphasize the negation of existence used as a universal term.

If, as we have just said, by negative attributes Maimonides means that the divine predicates affirm a relation of identity, emphasizing the negation of a non-identical relation, it follows that the term *negative* must have been used by Maimonides in some special sense. By negative attributes he does not mean that the proposition in which a predicate is affirmed of God is negative in quality. He means that although the proposition itself is positive in quality, the predicate is to be understood to have a negative prefix.

³¹ 'In a proposition like the following, the predicate and subject can both be individual: "The one who is sitting is Reuben"' (Alfarabi, *Book on Syllogism*). זה הנשוא יכל להיות ג"כ אישי עם הנושא אישי במשפט הזה; זה (Brit. Mus. Harley 5523, p. 71) אלפרבי בספר ההקש

Thus, 'God is one' is not to be convertible into 'God is not many', but the term 'one' must be taken to mean 'not-many', the quality of the proposition as a whole remaining unaltered. In order fully to appreciate this distinction, let us briefly restate what Aristotle had said about the quality of propositions. There is, he points out, a distinction between a proposition wherein the negative particle modifies the copula, and that wherein it modifies the subject or the predicate. The former is a negative proposition, the latter is an affirmative proposition with an indefinite subject or predicate, as the case may be.³² A negative proposition expresses the privation of the subject of one of two alternative qualities, thus always implying its possession of the other; an affirmative proposition with an indefinite predicate expresses the exclusion of the subject of a certain class of qualities which are irrelevant to its nature. The latter kind of proposition is said to express what Kant would call an infinite or limiting judgement, as is to be distinguished from a negative judgement, as the proposition 'The soul is not-mortal' is to be distinguished in meaning from that of 'The soul is not mortal'.³³ It is in the sense of the Aristotelian indefinite predicate that Maimonides uses the expression 'negative attribute', the negative particle being hyphenated with the predicate, thus excluding the subject not only from the stated predicate, but also from implication of its antithesis. This seems to me to constitute the significance of the following passage: 'Even the negative attributes must not be found and applied to God, except in the way in which, as you know, sometimes an attribute is negated with reference to a thing, although that attribute

³² Cf. *Organon*, On Interpretation, ch. x, and *Metaphysics*, IV, 22.

³³ Cf. Sigwart's *Logic*, vol. I, ch. iv.

can naturally never be applied to it in the same sense; as, e.g. we say, "The wall is not seeing" (*Moreh*, I, 58). It is quite evident that we never say 'the wall is not seeing', except in the sense of 'the wall is not-seeing'.³⁴

The rejection of positive essential attributes and the admission only of negatives, which is tantamount to a confession of our ignorance of the divine essence, gives rise to the question whether thereby it would be possible at all to mark any gradation in human knowledge of the divine being. But that one's comprehension of God is commensurable with one's intellectual and moral virtues is a postulate of both reason and tradition.³⁵ In answer to this difficulty, Maimonides maintains that knowledge arrived at by negation is as capable of increase as knowledge attained by determination. The negative interpretation of attributes, since it has been explained to express the affirmation of the relation of identity emphasizing the negation of irrelevant qualities, has a double meaning. While excluding God from knowable universal qualities, the attributes affirm of Him some unknowable qualities, peculiar to Himself, and identical with His essence. When we exclude God from

³⁴ That this is what has been meant by Maimonides is quite clear from his statement in his *Milot ha-Higayon*, which asserts that it cannot be said that 'The wall is blind'. ולא יתואר בשם ההעדר כי אם אשר מטבעו שימצא לו הקנין ההוא הנוכחי להעדר ההוא, כי אנחנו לא נאמר בכתל שהוא עור ולא עור ולא אלם (מלות ההגיון, שער י"א). Narboni in his commentary on the *Moreh* calls this kind of negation, referred to here by Maimonides, 'general' or 'absolute' (המשלחת), a term which has been adopted by the modern commentators, as Munk, Kaufmann, and Friedländer, in explaining the text. כבר ידעת ממה שקראת ממלאכת ההגיון, כי השלילה שני מינים: האחת השלילה המיוחדת [כמו בלעם אינו רואה] Cf. *Metaphysics*, IV, 22.

³⁵ Cf. *Moreh*, I, 59.

the attribute of ordinary existence, for example, at the same time we affirm that He exists with an existence of His own. God, by virtue of His absolute perfection in every sense, has an infinite number of aspects in His essence ; and had we only the means of doing so, we should be able to express them all in human language. But on account of the unknowability of the divine essence, we can express none of its infinite aspects in positive terms ; we can only indirectly hint at them by negating of Him our own knowable perfections. Not only must our affirmations of divine infinite perfections be indirect, they must also be limited in number, since the knowable human perfections that are negated of Him are finite in number. This limitation on our part involves a serious difficulty. For in the conditional reality of the world we know there is always a line of demarcation between what is always already actually known and what is actually unknown but is knowable. In so far as we are cognizant of conditional reality we are able to distinguish God from the world, the absolute from the conditional. By negations, we exclude Him from the known quantity of perfections and indirectly affirm of Him a corresponding number of unknowable divine perfections. Beyond that boundary line, which marks off that which is known from that which is unknown in the knowable world, God and the world appear to us to merge together, and though we do not say so, since we are unable to negate it, we assume as it were that God possesses all the knowable qualities of the undiscovered part of reality. But this limitation which springs from our disability varies with each individual. The boundary line between the known and the unknown in the knowable world shifts backward and forward in accordance with one's own intellectual

attainments. To the more informed the known part of reality is greater than to the less informed. The former hence can directly deny more knowable human perfections of God, and indirectly affirm more unknowable divine perfections than the latter. Thus, while neither possesses positive knowledge of the divine essence, their indirect knowledge of God varies widely. Furthermore, the realm of the knowable has not yet been completely laid bare, and, consequently, as our knowledge of conditional existence has before it ample opportunity of growth and expansion, so our knowledge of absolute existence of God might gradually draw nearer to perfection. Thus by means of the quantitative distinction in the knowledge of conditional reality between different individuals, and by means of the multiplicability of that knowledge in each individual, Maimonides conceives the possibility of a rising scale in men's knowledge of the divine essence.³⁶

Maimonides' theory of attributes is typical rather than original. None before him, to be sure, had analysed the problem so minutely and comprehensively as he, but his constructive view does not differ from those of his predecessors. Negative and dynamic interpretations of divine attributes had been the common stock-in-trade of Arabic and Jewish philosophers ever since Philo.³⁷ As thus far noticed, Maimonides departs from the commonly accepted view solely by differentiating between actions and external relations and his disqualification of the latter. Again, with the exception of the naïve theologians, referred to by

³⁶ Cf. *ibid.* While I have given here a rather free interpretation of the chapter, I hope I have remained true to its spirit.

³⁷ Cf. Munk, *Guide*, I, ch. 58, p. 238, note 1, and Kaufmann's *Attributenlehre*, p. 481.

Maimonides himself, none of the rational thinkers admitted the propriety of accretive attributes. The discussion was focused mainly on the so-called essential attributes, that is, the universal predicates which enter into the formation of definitions. Thus the problem of attributes runs parallel to that of universals and to that of the nature of logical propositions. We have seen how all these problems converge in the theory of Maimonides. Taking universals to be present as something distinct within individuals, and finding the predication of such universals to be inconsistent with the absolute simplicity of God; believing that a logical proposition must affirm a real relation unless that affirmation is emphatic, he was forced to declare all divine predicates to be relations of identity emphasizing a negation. In his own language, the divine predicates are homonymous terms, having nothing in common with terms of the same sound. Following the same analysis of the problem, we shall now expound several other representative theories of attributes. Algazali's criticism of Avicenna will be taken as our starting-point, after which we shall discuss Averroes and two of his Jewish followers, Gersonides and Moses Halavi, and finally we shall give a rather full account of an entirely new view proposed by Crescas on this subject of divine attributes.

II

Algazali's approach to the solution of the problem is unique in its kind. He dares what nobody else before him had ever thought of doing, to impugn the Avicennean definition of necessary existence. Does necessary existence preclude noetic plurality? that is the main burden of his inquiry. His answer is in the negative. The primary

meaning of necessary existence, he contends, is the absence of efficient causation.³⁸ The Avicennian proof for the conception itself, indeed, merely establishes the fact of an ultimate terminus to the interlacing chain of cause and effect. That terminus is necessary in the sense that its springing into being had not been effected by the operation of a pre-existent agent. The phrase *necessary existence*, therefore, means nothing but primary existence, the term *necessary* signifying in this phrase a description of the spatial and temporal relation of a certain being in a series of causally interrelated entities rather than a qualitative determination of the nature of that being. If we are now asked, Can the necessarily existent be composite? the answer would depend upon the circumstance whether the composition in question would be subversive to the uncon-

³⁸ Cf. *Destruction of the Philosophers*, Disputation VII. 'The source of error and blunder in all this discussion is to be found in the expression "necessary existence". But to us the expression seems to be irrelevant, for we do not admit that the proof for necessary existence establishes anything except the existence of something eternal which had not been preceded by an efficient agent. If that is its meaning, the expression "necessary existence" must be dropped out of discussion. You must state your contention plainly, that it is impossible that there should be plurality and distinction in an eternal existence which had not been preceded by an efficient agent. But this you will be unable to prove.' ומקור השבט וההמערה בכל זה הוא מליצת מחוייב המציאות, ולכן לא תזכר ולא תפקד, כי אנחנו לא נודה שהראיה תורה על מחוייב המציאות אלא א"כ יהיה הנרצה בו קדמון שאין לו פועל, ואם היה זה הנרצה, תעוב נא מליצת מחוייב המציאות, ויאמר בפירוט שהוא מן השקר שימצא רבוי והבדל בנמצא קדמון שאין לו פועל, ודה אין לכם ראיה עליו (הפלת הפילוסופים, שאלה ז').

The same argument recurs in Disputations V, VI, VIII, IX, and X.

This seems to me to be the central argument made by Algalali. Curiously enough, De Boer, in his *Der Widerspruch der Philosophie nach al-Gazali*, does not even mention it. Neither is it mentioned in Carra de Vaux's *Gazali*, ch. II, where he discusses the latter's theory of attributes.

ditional existence of the being, unconditional in the sense that it is not grounded in an efficient cause. If the compositeness be not subversive to such unconditional being, then the necessarily existent may be composite. By means of the conception of necessary existence so stated, Algazali proceeds to show that the necessarily existent, according to Avicenna's own definition, might be composed of matter and form,³⁹ of substance and attribute;⁴⁰ it might also be defined in terms of genus and difference;⁴¹ and, finally, that it might also have existence superadded to its essence.⁴² Indeed, Algazali goes even farther. The original conception of necessary existence does not, he holds, preclude the duality of absolutely existent beings.⁴³ Unity, simplicity, and incorporeality are all unwarranted by necessary existence. It is only by vitiating the primary meaning of the term, by extending the proof for the absence of any efficient cause whatsoever, that necessary existence had come to be used by philosophers in the sense of absolute simplicity; and, again, it is by a kind of vicious intellectualism which reasons from the conception of absolute simplicity rather than from the conception of necessary existence, that the philosophers had erroneously inferred the necessity of the first unconditionally existent being as one, simple, undefinable, and unrelatable.

³⁹ Cf. Disputation IX: בלאותם מהעמיד ראייה על שהראשון אינו גשם.

⁴⁰ Cf. Disputation VI: בהסכימם על שקרות קיום המדע, והיכלת, והרצון, להתחלה ראשונה.

⁴¹ Cf. Disputation VII: שישתתף אי"א שמיציאות הראשון אי"א שישתתף עם זולתו בסוג ויובדל ממנו בהבדל.

⁴² Cf. Disputation VIII: כלומר, כלומר, שמיציאות הראשון פשוט, הוא מציאות גמור ואין מהות ולא אמתות יצורה המציאות עליהם.

⁴³ Cf. Disputation V: בבאור לאותם מהעמיד ראייה על שהאל אחד ושאי"א להניח שני מחויבי המציאות כל אחד אין עלה לו.

Algazali's argument against Avicenna's conception of necessary existence is based upon the latter's use of the term 'possibility'. Possibility, according to mediaeval Jewish and Arabic logicians, has two meanings. In the first place, it applies to a thing which without any cause whatsoever may by its own nature come or not come into being. This is the real and primary meaning of possibility. In the second place, the term applies to a thing which cannot come into existence save through an external cause, in the sense that in so far as the thing is dependent upon a cause, with respect to itself it is only possible, since its existence is determined by the presence or absence of that cause. This is the unreal and derivative meaning of possibility.⁴⁴ Real possibility is thus the antithesis of impossibility.

⁴⁴ Moses Halavi, in his Treatise 'On the First Mover', discussing Avicenna's proof for necessary existence, makes the following comment: 'The term possibility is not used here in the sense in which it is used in the Logic, namely, that which may or may not exist. But we must understand that the expression of having by itself only possible existence is another way of saying that it owes its existence to something else. Necessity and impossibility are not, therefore, its antitheses. For the existence which accrues to some external cause may sometimes be necessary and sometimes not. In both cases, however, we call it possible by itself, by which we mean that of whatever nature the existence in reality is, it is due to some external cause.' To this the Hebrew translator adds the following note: 'In general, he [i.e. Avicenna] does not mean by possibility that whose antithesis is necessity, but that whose antithesis is self-sufficiency.' "וזה שהוא לא נשא מלת האפשר בבאן על הבנתה במלאכת ההגיון, והוא אשר יתחייב לו אפשר שלא ימצא, אלא ידענו שאמרנו בבאן אפשר המציאות לעצמותו הוא מליצה מק[נין] המציאות מהוולת, וההכרח פה והעדרו בלתי נוכחים, כי לפעמים יהיה המציאות הנקנה מהוולת הכרח, ולפעמים לא יהיה כן. ונאמר בשני ענינים שהוא אפשר המציאות לעצמותו, רצוני, שמציאותו איזה דרך היה מדרבי המציאות נקנה מהוולתו... המעתיק העברי הוסיף בבאן על הגליון: "ובכלל אין כוונתו כאן במלת אפשרי אשר מקבילו ההכרח, אלא אשר מקבילו ההסתפקות בעצמו"

lity and necessity; unreal possibility is the antithesis of self-sufficiency. Now, in his proof of the existence of God, Avicenna uses the term possibility in its unreal meaning.⁴⁵ From the observation that all existences, sublunary as well as translunary, are with respect to themselves only possible, on account of the presence of an external cause, he concludes that there must be a prime cause which is necessary even with respect to itself. In what sense, according to Avicenna, must that prime cause be necessary with respect to itself? Certainly in the same sense as that in which the other existences are possible, namely, with respect to external causation. Consequently his proof for the presence of a necessarily existent being merely establishes the self-sufficiency of that being; that is, its independence with respect to external causation, without, however, disproving its dependence upon internal causation. Hence, Algazali's criticism against Avicenna's identification of necessary existence with absolute simplicity.

That Algazali's criticism is incontrovertible is generally admitted. In his *Destruction of the Destruction* Averroes refutes Algazali's contentions not by justifying Avicenna, but by showing that Avicenna is misrepresenting the philo-

⁴⁵ Cf. Averroes' *Destruction of the Destruction*, Disputation X. 'It was Avicenna's intention to have his distinction between possibility and necessity correspond to the philosophers' view of existences, for according to all the philosophers the celestial spheres are said to be necessary with respect to their cause. But still we may ask whether that which is necessary with respect to its cause has really any possibility by itself.' ואמנם רצה בן סיני שיסכים בואת החלוקה [בגליון: ממחוייב ואפשר למה שיש לו עלה ולמה שאין לו עלה] אל דעת הפילוסופים בנמצאות; וזה שהגדרם השמימי אצל כל הפילוסופים הוא הכרחי בזולתו. ואמנם האם הוא הכרחי בזולתו יש בו אפשרות בצרוף אל עצמו, בו עיון. ולזה היתה זאת הדרך מעוקשת כשילכו בה זה המהלך. Likewise in *Moreh ha-Moreh*, II, Prop. 12.

sophers in the use of the terms possibility and necessity.⁴⁶ Possibility, to Averroes, has only one meaning, and that is the real and primary one. Nothing whose existence is dependent upon external causes can, he holds, be called possible in any sense whatsoever. Avicenna's designation of sublunar and celestial elements as possible is, therefore, untenable; and his consequent proof for a self-existent cause is likewise invalid. The indivisibility of the divine essence as well as the unity of God does not follow indirectly from the proof of His necessary existence, but from the arguments, of which there are several, which directly prove His simplicity and unity.⁴⁷ And so, while disagreeing with Avicenna as to the proof, Averroes agrees with him that the divine attributes must be interpreted (1) as negatives, and (2) as external relations, the latter of which include

⁴⁶ Cf. *Destruction of the Destruction*, Disputation X. 'It has already been made clear from our arguments that if by necessary existence is understood that which has no cause, and by possible existence that which has a cause [i. e. the Avicennian view], the division of being into these two classes [i. e. necessary and possible] could not be asserted, for the opponent might deny this alleged division, maintaining that every existent being is without a cause. But if by absolute existence is meant necessary existence, and by possible is understood real possibility [i. e. the Averroean view], the series must undoubtedly terminate at an existence which has no cause.'

כבר קדם ממאמרנו שבאשר יובן מחוייב המציאות מה שאין עלה לו, ויובן מאפשר המציאות מה שיש עלה לו, לא תהיה חלוקת הנמצא בשני אלה הפרקים ידוע בה, כאשר לבעל דין לחלוק שאינו כמו שזכר, אבל כל נמצא אין עלה לו; ואכן כאשר יובן ממחוייב המציאות הנמצא ההכרחי וזמן האפשר, האפשר האמתי יכלה הענין בלא ספק אל נמצא אין עלה לו.

⁴⁷ Cf. *Averroes' Destruction of the Destruction*, Disputation VI. 'I say that this is a refutation of him who, like Avicenna, argues for the rejection of attributes from the premise of necessary existence by itself. But the best method to be followed in this inquiry is to argue from unity.' אמרתי זה כלו' סתירה למי שהלך בהרחקת התארים דרך בן סיני, בהעמיד מחוייב המציאות בעצמותו; ואמנם הדרך היותר טובה בזה בחיוב ההתאחרות.

both the category of relation and that of action.⁴⁸ But these are not the only explanation of attributes. By a new theory of universals, which will presently be set forth, Averroes maintains that some attributes may be positive and essential.

Avicenna, as we have seen, holds the universals to have reality *in re* and *post rem* because of their reality *ante rem* in the mind of God. The pre-existent universals, according to him, are present in the multitudinous individuals. What then does Avicenna mean by his assertion that universals exist only in mind? He means by that that the presence of those universals in the individuals and our abstraction of them cannot be *discovered* except by the mind, though their presence in the individuals is independent of the mind. Averroes differs with him on that point. He thinks the very presence of the universals in the individuals a mere mental invention. The phrase that universals are in the mind he interprets to mean that the very presence of the universals in the individuals and their distinction therefrom is *invented* by the mind. The difference between Avicenna and Averroes is similar to the difference between the objective and subjective interpretations of Spinoza's definition of attribute in modern philosophy. Consequently in any definition the distinction between the individual substance which is defined and the universal substance by which it is defined has no reality whatsoever. The individual substance only appears to the mind in universal aspects. It is exactly this mentally invented distinction, says Averroes, that Aristotle conceives to exist between the faculties of the soul and its essence, and that also the Christian theologians conceive to exist between the three

⁴⁸ Cf. *Destruction of the Destruction*, Disputation V.

Personalities and the Godhead, though both the soul-essence and the Godhead are in reality one and absolutely indivisible.⁴⁹

By this Averroes could have solved the entire problem of attributes. He could have said that the predicates attributed to God all designate certain aspects in which the divine essence appears to the human mind. He does not,

⁴⁹ Cf. *ibid.* 'It is in the nature of essential attributes that they do not actually diversify their subject; they diversify it only in the same sense as the parts of a definition are said to diversify the object defined, that is, what is called by the philosophers a mental plurality in contradistinction to an actual plurality. Take, for instance, the definition of man as a rational animal, in which case neither of these attributes nor both of them are actually added to the individual human essence, though man is diversified by the attributes describing appearance and form. Hence, it will follow that he who admits that the existence of the soul is absolutely independent of matter, will also have to admit that among immaterial existences there are such that are one in actuality though many in definition [that is to say, the soul is one in essence but many in faculties]. This is also the Christian doctrine of the Trinity, that is, they do not believe in attributes adjoined to the essence, for the attributes to them are only in definition, the manifoldness of which are not in actuality but in potentiality. Hence, they claim that these [personalities] are three and yet one, i. e. one in actuality but three in potentiality.' מדרך התארים העצמיים שלא יתרבה במ הנושא הסובל להם, אבל אמנם יתרבה בצד אשר יתרבה המוגדר בחלקי הגדר, וזה שהוא רבוי שכלי אצלם, לא רבוי בפועל, ר"ל, ורמיון זה, שהאדם אדם חי מדבר, ואין הדבור והחיות כל אחד מהם וכו' מחברו בן, ר"ל, בפועל. והמראה והתמונה מתרבה בן, ר"ל, ולזה יתחייב למי שיורה שהנפש אין מתנאי מציאותה החומר שיורה שכבר ימצא בנמצאות הנבדלות מה שהוא אחד בפועל, ר"ל, הרבה בגדר. וזהו דעת הנוצרים בשלוש, וזה, שהם לא יראים תארים נוספים על העצם, ואמנם הם אצלם מתרבים בגדר, והם רבים בכח ולא בפועל, ולזה יאמרו שהם שלשה ואחד, כלומר, אחד בפועל שלשה בכח.

This passage is paraphrased by Narboni in his commentary on the *Morah* (I, 58), but he disagrees with Averroes as to the latter's interpretation of the Trinity. The Trinity according to the Christian belief, he says, are not potential but actual. והנראה לי כי התארים הנ' בפועל אצל הנוצרים והנראה להם כי התארים הנ' בפועל אצל הנוצרים, והעצם אחד, לא שיהיה בכח כמו שיאמר ב"ר.

however, say so. He admits with Avicenna that all the attributes, which with regard to created beings are accidental, with regard to God must be interpreted either as negations or as dynamic and external relations.⁵⁰ There is one attribute, however, which he insists must be taken positively, and that is the attribute of Intelligence. Intelligence, says Averroes, is the essence of God. He maintains this to be the view of the Peripatetics in opposition to that of Plato.⁵¹ Intelligence is therefore merely another word for God. In the proposition, 'God is intelligent', the relation affirmed between subject and predicate is not real but formal. And likewise the universality of that term, which is implied in its application to God and to human beings, is only nominal and formal.

Still, the nominalist interpretation of a universal term disposes only of the assumption of an underlying identity running through various individuals. But it has to assume the existence of some kind of relation and resemblance between different things. Without such an assumption the mind could not form universal terms at all. What is then the relation that must be assumed to exist between God and other creatures in order to justify the common application of the term Intelligence? The relation, according to Averroes, is that of cause and effect. God is a thinking being in whom the subject, object, and process of thinking are all one and the same thing. But His thinking is creative, and all the Intelligences as well as the human intelligence are offshoots of the divine intelligence. The application, therefore, of the term intelligence to God and to human beings does not mean that both share alike in

⁵⁰ Cf. *Destruction of the Destruction*, Disputation V.

⁵¹ Cf. *ibid.*

a common property; it means that man derives his intelligence from God, in whom it is not a property but the very essence.

The universalization of an individual term by means of its application to the effects of that individual with which the term has originated is distinguished by Averroes as a class by itself. He designates such terms as ambiguous with respect to priority and posteriority of application. To get at the meaning of this phrase, we need enumerate all the other kinds of applicability of universal terms with which this new one is contrasted. Thus: single terms may be universally applied to different individuals in three ways—equivocally, univocally, and ambiguously.⁵² A term is used equivocally when it is applied to two or more things which share nothing in common, either in essential or in non-essential properties. Such a term is a perfect homonym, and its several applications in reality are perfectly unrelated, as, to use an old example, the word *grammatica*, meaning the art of grammar and a woman. A univocal term is one which is applied to two things that share in an essential quality, as, for instance, the term 'man' applied to individual human beings. A term is ambiguous when it is applied to different individuals which share only in non-essential properties, e.g. 'white snow' and 'white paper'. We may recall that in Maimonides' theory the divine attributes are used neither univocally nor ambiguously, God sharing with other beings neither in essential nor in non-essential qualities. In that theory the attributes must be taken in

⁵² Equivocal = משותפים or משתתפים; univocal = מוסבמים or מסבמים; ambiguous = מסופקים. Cf. Algazali's *Intentions*, I, *Logic*, I, 5 (בנות הניין), חלוקה ה' אופן א', and Maimonides' מלות ההניין. Cf. Aristotle's *ἑρμηνεία*, *Συνώνυμα*, *Παράωνυμα*, *Categories*, I.

an equivocal or homonymous sense. Divine intelligence, therefore, is absolutely unrelated with human intelligence, and is applied to God negatively. Now, Averroes proposes a new usage of a universal term in the case of its application to two things which share in a common quality only, in so far as one of them derives its quality from the other, to which it is essential. God, therefore, does not participate with man in intelligence, but God being intelligence, man derives his intelligence from Him. That special sense, in which a term may be applied to different things, was according to Averroes' testimony unknown to Avicenna.⁵³

⁵³ Cf. Averroes' *Destruction of the Destruction*, Disputation VII. 'Ait Averroes: Si intellexisti id, quod diximus antea eo, quod sunt hic aliquae, quae includuntur uno nomine, non inclusione rerum univocarum, nec inclusione rerum aequivocarum, sed inclusione rerum relatarum ad aliud, quae dicuntur secundum prius, et posterius, et qualis proprietas harum rerum ut deveniant ad primum in illo genere, quod est causa prima omnibus, quibus imponitur hoc nomen, ut est nomen calidi, quod dicitur de igne, et aliis rebus calidis, et sicut est nomen entis, quod dicitur de substantia, et aliis accidentibus, et sicut nomen motus, quod dicitur de locali, et aliis motibus, non deficiet scire inane, quod ingreditur in hoc sermone, nam nomen intellectus dicitur de intellectibus separatis apud philosophos secundum prius et posterius, quorum est intellectus primus, qui est causa aliorum, et sic est in substantia. Et ratio, quae demonstrat quod non habent naturam communem, est quoniam aliquis eorum est causa alterius, et id, quod est causa rei, est prius causati, et impossibile est ut sit natura causae, et causati uno genere, nisi in causis individualibus, et haec quidem species communicationis est contradicens communicationi genericae vero, quoniam communia genere, non est in eis primum, quod est causa aliorum, sed omnia sunt in gradu, et non reperitur in eis aliquid simplex, sed communia in re, quae dicuntur secundum prius, et posterius, necesse est ut sit in eis primum, et simplex, et hoc primum impossibile est ut imaginetur ei secundatio. Nam quotienscunque ponatur ei secundum, necesse est ut sit in gradu eius, quo ad esse, et naturam: et erit ibi natura communis eis, qua communicat communicatione generis veri; et necesse est ut differant differentiis additis generi: ergo erit unumquodque; eorum compositum ex genere, et differentia, et omne quod huiusmodi est innovatum. Demum id, quod est in ultimitate perfectionis in esse, necesse est ut sit unum. Nam, nisi esset unum, im-

The new distinction in the universalization of terms which had been advanced by Averroes was adopted by Gersonides in his theory of divine attributes. Gersonides' constructive view may be gathered from his refutation of Maimonides. He commences by pointing out an inherent fallacy in the homonymous interpretation of positive attributes. Since all positive attributes that are not actions must be taken as homonyms, that is to say, affirming, according to the interpretation given above, a relation of perfect identity which emphasizes the negation of non-identity; and since consequently any predicate could thus be interpreted homonymously, what would account for the fact that some attributes are found in positive form whereas others occur only in negative form? Why should not the latter as well as the former be expressed in positive language? Take, for instance, the attributes of existence and incorporeality. If the former is perfectly homonymous, why should we not likewise affirm of God corporeality in an homonymous sense? To say that the sound of the word corporeality in itself, irrespective of its special meaning, is derogatory to the divine being, does not explain the matter. In dealing with the problem of attributes, we

possibile est ut sit ei ultimitas esse, id enim, quod est ultimitate non communicat ei aliud, nam, sicut linea una non habet ex uno latere duos fines, sic res, quae succedunt in esse, diversae quidem in additione, et diminutione, non habent duos fines ex uno latere. Avicenna autem nescivit in esse hanc naturam mediam inter naturam, quam significat nomen univocum et naturas, quae non communicant nisi nominibus tantum, aut accidenti remoto, et evenit ei haec dubitatio.' (Latin translation from the Hebrew of Averroes' *Hapalath ha-Hapalah*, in the tenth volume of Aristotle's collected works, p. 232 a-b, Venice, 1560.)

It should be observed that this special kind of generic terms, which, according to Averroes, was unknown to Avicenna, is mentioned by Algazali in his *Intentions*, I; Logic, I, 5: והוא קיים בקרימה ואיחור, נאותים . . . והוא קיים בקרימה ואיחור, (כוונת הניון, אופן א' חלוקה ה') וכבר יקרא זה מסופק לחזרתו.

are chiefly concerned with the meaning of the terms as they are employed, and not with their associative connotations. Furthermore, the admissibility of attributes is decided upon the ground of their logical consonance with the conception of necessary existence, and not upon the consideration whether in human analogies they are regarded as perfections or imperfections. If the distinction of affirmative and negative prevails in the form of attributes, it follows that for quite different reasons the term existence, even when taken in a sense not entirely unrelated with its ordinary usage, may be affirmed of God, whereas the term corporeality under the same circumstances must not be affirmed of Him.⁵⁴

⁵⁴ Cf. Gersonides' *Milhamot*, III, 3. 'In general, if the things which we predicate of Him were applied to God and to ourselves in perfect homonymy, none of the terms which we use in designating ordinary things would be more appropriately used in reference to God as negation rather than affirmations or as affirmations rather than negations. Thus, for instance, one would be able to state that God is corporeal, provided he did not mean by that corporeality anything possessing quantity, but something which is perfectly homonymous with what we usually call corporeality. Likewise, one would be able to state that God is unknowing, if the term knowing in that proposition was not used to designate the same thing as that which we ordinarily call knowledge. Nor can it be maintained that we negate of God corporeality because with respect to ourselves it is an imperfection, but we affirm of Him knowledge because it is a perfection. For it is not the term corporeality, which is alone negated of God, that is an imperfection; the imperfection is rather contained in its meaning. That this is so can be proved by the fact that were we to designate by the term corporeality what is now designated by the term knowledge, and by the term knowledge what is now designated by the term corporeality, then corporeality would have been in respect to ourselves, perfection and knowledge would have been an imperfection. Furthermore, we do not affirm nor negate anything of God unless we had first ascertained as to whether the existence of that thing is appropriate of God or not, but it is not imperative upon us to inquire as to whether that thing is a perfection or an imperfection with respect to ourselves.'

Thus divine attributes are to be taken, according to Gersonides, as universal terms. But now the two objections raised by Maimonides recur. First, the attributes being universals, according to the accepted theory of universals, exist as parts in the objective individuals; this, however, is impossible in the case of God. Secondly, by attributing universals, you imply some kind of relation between God and created beings, and *ipso facto* you imply a similarity between them, and such a similarity is impossible.

Gersonides' answer to these two possible objections, as we have said, betrays the unmistakable influence of Averroes. He distinguishes between a real, or rather existential, universal and a nominal, the latter being found in the case where an individual quality of a cause, which is identical with the essence of that cause, is in common language applied to the effects of that cause. That term, with respect to the object with whose essence it is identical, is only an invented universal. When joined in a proposition, the relation between the subject and predicate is, therefore, not real but verbal. A subject of that kind, says Gersonides, may be called a 'subject of discourse', for in reality the subject and predicate are identical. It is only when the predicate is an accident that its relation with the subject is real, the latter being called a 'subject of existence', that is to say, the subject of inhesion of the accidental predicate. Now, in God all the attributes are identical with His essence, or, in other words, they have no separate existence whatsoever. In any proposition, therefore, in which we predicate some attributes of God we really state a relation of identity. Still, such statements are not tautological. For logical propositions do not merely express *real* relations, but *formal* relations also. God is the 'subject of discourse' of the

attributes predicated of Him, and in discourse there is no tautology, for in discourse all the attributes predicated of God are universal terms. 'Knowledge', 'power', 'will', and all the other attributes, are affirmed of God and other beings in a related sense, the relation being that of cause and effect. But there is the following radical distinction between divine and human attributes. In God attributes are identical with His essence; in man they are accidental to it. In the technical language of the time this notion may be expressed as follows: The divine predicates are to be understood in a sense neither 'equivocal' nor 'univocal'; they are used in an 'ambiguous' sense with reference to the distinction of 'priority and posteriority'. To quote now Gersonides' own words:

'We say that after due reflection it appears that there are attributes that are applicable primarily to God and subsequently to other things besides Him without, however, implying plurality in God. For not every proposition in which something is affirmed of something implies plurality of that thing. There is implication of plurality only when one part of the proposition is the subject with respect to *existence* of the other part. But if it is not its subject with respect to existence, though it is its subject in the proposition, it does not follow that the subject is composite. For instance, if we state about a definite redness that it is a red colour, it does not follow that the redness is composed of colour and red, for colour is not the existent subject of red, but its subject of *discourse* only.'⁵⁵

But would not a nominal universal which is derived from two individuals correlated as cause and effect, imply the existence of some real relation and similarity between the two individuals? Gersonides endeavours to show that it would not. If any relation is to be implied it will be

⁵⁵ Cf. *Millhamot*, III, 3.

nominal, just as the universal itself is nominal. He cites an analogous case from the meaning of existence. Existence, according to Averroes, whose view is followed by Gersonides, is identical with the essence of the subject of which it is affirmed. Now, accidents exist through substances, the latter thus being the causes of the former. The term existence, therefore, is with respect to substances and accidents, a nominal universal implied to individuals which are causatively related. And yet there is no implication of the existence of any real relation between substance and accident. To quote Gersonides again:

‘It can be shown, even though we admit that there can be no relation between God and His creatures, that the attributes predicated of God may be applied to Him primarily and to other beings subsequently. For there are some terms which, though they are applied to some things primarily and to others subsequently, do not imply a relation between those things. For instance, the term existence is applied to substance primarily and to accident subsequently as stated in the *Metaphysics*. Still it is clear that there is no relation between substance and accidents.’⁵⁶

We turn now to the theory of divine attributes formulated by Moses Halavi.⁵⁷ Unlike Gersonides, Moses Halavi works out his theory independently of Maimonides, to whom he does not make the slightest allusion. His theory may be summarized as follows: Attributes are either positive or negative. Of the negative, some are so both in form (בִּיטּוּל) and in content (בְּעֵינַיִן), as, for instance, ‘incorporeality’. Others are negative only in content and positive in form, as, for instance, ‘eternity’, the real meaning of which is ‘without beginning or end’. Both of these kinds of attri-

⁵⁶ Cf. *ibid.*

⁵⁷ Cf. Steinschneider, *Uebersetzungen*, § 239.

butes are admissible. Thus far he is in perfect agreement with Maimonides.

Positive attributes are next divided by the author into three classes. First, attributes which are identical with the essence of the subject, as, for instance, animality in the predication of man. Second, attributes adjoined to the essence, as, for instance, whiteness, &c. Third, attributes which are merely descriptive of some external relation of the subject, as, for instance, actions and the relations of time and space. Of these three classes, the first and the last are admissible, but the second is inadmissible, for, adds the author, not only is any composition within the divine essence unthinkable, but likewise the composition of His essence with something outside itself.⁵⁸

The points of difference between this theory and that of Maimonides are worth attention. First, according to Maimonides, actions and external relations are two different classes of attributes, the one admissible, the other inadmis-

ואמנם התארים החיוביים, שם וענין, מהם תארים הם מהות המתואר,⁵⁸ בתארנו אדם כשהוא חי: ומהם תארים אינם הם חלק מהות אלא יוצאים ממנו, ואבל הם יורו על תכונה במתואר מחוברת למהות, בתארנו ג' שהוא לבן; ומהם תארים אינם מהות המתואר ולא הם תכונה מחוברת למהות, ואבל הם הלצות למתואר בצרוף אל דבר יוצא ממנו, בתארנו ג' כשהוא לימין ד', ואלה יקראו התארים הצרופיים. אמנם התארים אשר הם חלק המהות אינם מיוחסים לו ית', אחר שכבר התבאר שעצמותו ית' בלתי מתחלקת. ואמנם התארים אשר הם במהות המתואר, הנה מן הירוע שתאר אותו ית' בהם אפשר, אחר שלא יורו על ענין נוסף על המהות כלל. . . . ומפני שתארי ית' באלו התארים הצרופיים נכון, אנחנו מתארים אותו בסביית, ובהתחליית. . . . כי אלה כלם תארים צרופיים. . . . הנה התבאר שהוא ית' נכון לתארו בתארים השוללים, וזה אם במלות וענין, ואם בענין בלתי מלות, ושתארי החיובים אשר בעצמותו ואשר הם על דרך הצרוף עובר.

sible; according to Moses Halavi both fall under the heading of external relations and both are admissible.⁵³ Halavi, again, in contradistinction to Maimonides, calls essential universal attributes identical with the individual essence, and admits the usage in divine predication. This unmistakably proves that to him universals are merely mental inventions.

Reverting, then, to his first class of positive attributes, to those designating a universal essential quality, which he holds to be identical with the essence of the individual subject, like Gersonides, Moses Halavi endeavours to obviate the possible objection based on the proposition that identity cannot be a relation in a logical proposition. 'In answer to such an objection', he says, 'we maintain that the predicate of a proposition, as, for example, "He is knowing", with respect to its general meaning of the comprehension of external objects, is not identical with the subject. Nay, they are radically different terms, for the term "knowing" does not imply the specific subject of the proposition. It is with respect to this general meaning that the predicate bears a real and unidentical relation to the subject. Sometimes, however, it may be warranted by the context of the proposition, that the apprehension implied in the predicate with regard to the subject should be taken in a specific sense which is identical with the subject, as, for example, in the proposition, "God is knowing". It is in accordance with this distinction between the two aspects of the predicate that we are enabled to attribute to God essential qualities which are distinct from Him as subject

⁵³ ומפני שתארי ית' באלו התארים הצרופים נכון, אנחנו מתארים אותו בסביות, ובהתחליות, ובברואה, ובעשייה, וזולת זה מה שדומה לו, כי אלה כלם תארים צרופים, כי ענינם שמציאות זולתו נשפעת ממצאו.

and predicate, but do not imply plurality in His essence.⁶⁰

The implication of this passage is clear. Essential attributes are universalized by the mind. They are mere aspects of the individual objects in which they have neither objective nor subjective existence. But it is that mentally invented universal aspect of the individual subject that is affirmed in a logical proposition. The relation between subject and predicate is, therefore, merely formal, and God, though identical with His attributes, can still be their formal subject in a proposition.

In these five theories of divine attributes, which we have analysed, the points of agreement and disagreement are clear. They all agree that Biblical predications of God should be taken as logical judgements. All but Algazali accept the Avicennean definition of the absolute simplicity of the divine essence, though they do so for different reasons. The controversy turns merely on the reality of the universal predicates and their distinction from the

וכבר יקשה המקשה, הנה תאמר שכל גזרה יחייב שנשואה ונושא⁶⁰ יהיו משתנים עם היות אחד מהם נושא לאחר, ואמנם כשהיה נשואה ונושא דבר אחד בעינו, הנה אין שם נושא ונשוא באמת, אבל יהיה מובן המאמר אשר בזה לא יגיע ממנו תועלת בין שהולץ מאותן הענין בשם אחד כמו שאמרנו שהאדם אדם, או בשני שמות נרדפים, באמרנו שהחמור עיר, כי זה [דומה] לאמרנו שהחמור חמור . . . והתשובה על זאת הקושיא, שנשוא זאת הגזרה, והוא אמרנו יודע בבחינה הוראתה על ענין הידיעה משולה אינו נרדף לנושא, אבל הם שני שמות נבדלים, כי אמרנו יודע לו מובן בלתי בלתי מובן נושא הגזרה, ומה הצד לוקח אחד מהם נושא והאחר נושא. אכן קרה לידיעה בצדק אל זה העצמות המתואר בה שהיו דבר אחד בעינו במציאות, וזה דבר יוצא ממובן הגזרה, והוא אמרנו שהאל יודע, הנה על דרך הזה יתאמת שיתואר ית' בתארים אשר הם עצמות, ויתחייב מזה הנושא והנשוא, מבלתי שיתחייב הרכבה בעצמות.

subject. And on this point, too, they all further agree that in God the universal cannot in any way be distinct from His individuality. The inquiry is, therefore, reduced to the following two questions: First, are the universal essential attributes in beings other than God distinct from their individual essence or not? Second, in what sense are these universals applied to God as predicates? The answer to the latter questions is dependent upon that given to the former. Maimonides, believing that in other beings the universals are distinct from the individual essences, is forced to interpret the divine predicates as homonymous, that is to say, as absolutely individual terms, entirely unrelated with other terms of the same sound. Averroes, however, believing that all essential universals are mere names, interprets the predicate of intelligence in its application to God as a universal term used ambiguously *secundum prius et posterius*. Gersonides and Halavi follow Averroes, but extend his interpretation of the predicate Intelligence to all other predicates. With this, we are ready for our discussion of Crescas.

(To be continued.)

FRAGMENTS OF SA'ADYĀH'S ARABIC PENTATEUCH COMMENTARY

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II

THE two fragments of Sa'adyāh's Pentateuch commentary here following differ not only from one another in size and the character of the writing, but also from those which formed the subject of the earlier articles.²⁸ They, therefore, bring the number of copies of the work known to have been in circulation to six. The large and careful writing of the first fragment of the present instalment is sufficient proof of the high esteem in which the work was held. Apart from this, both fragments, small as they are, contain so much that is of interest that no apology is needed for making them accessible to students of biblical literature.

By a strange coincidence fragment A, dealing with the section Leviticus 25. 36-46 has a certain bearing on the specimen of the same author's commentary on Exodus lately published.²⁹ It begins with the concluding paragraphs of what looks like a dissertation on the prohibition of usury. Sa'adyāh has given special attention to this subject to which he devoted a special treatise. Unfortunately, however, only a small fragment has come down to us.³⁰

²⁸ *JQR.*, 1906, July and October; 1916, January.

²⁹ *Ibid.*

³⁰ *Ibid.*, 1905, pp. 119 sqq.

This is not the only instance of Sa'adyāh's habit of supplementing important matters only slightly touched upon in the Pentateuch commentary by special treatises.³¹

The author, then, takes up for a second time the topic of the Hebrew slave, actually referring to his own comments on Exod. 21. 1-6. In so doing he furnishes a strong argument in favour of the authenticity of our fragment. Not only is the translation of the group of verses, Lev. 25. 39-46, identical with what we know to be his version, but this also applies to a quotation from Job (31. 39). Eminently characteristic is the way in which he illustrates the logical sequence inherent in the verses 25, 35, and 39. There is, therefore, no reason to consider the fragment as belonging to any other work but Sa'adyāh's.

Fragment B begins with a discussion of the question why the expression of regret in Deut. 1. 41 did not carry forgiveness with it. The answer is that 'regret and firm resolve', the two pillars of repentance, must be entirely free from ulterior motives. This was not the case with the people, as may be seen from Num. 14. 39, because their regret was not the expression of 'a pure heart and a sincere mind'. A similar case of unreal repentance is recorded in Exod. 10. 16. David, on the other hand, who showed genuine contrition was forgiven (2 Sam. 12. 13). The announcement given in the preceding verse (11) is no proof to the contrary, because it contains no threat, but a statement concerning the evil conduct of Absalom which was not an act of God.

Now this affords an opportunity of examining the authenticity of the fragment. It is *prima facie* supported

³¹ On the Calendar (Exod. 12. 1), *ibid.*, 1904, p. 293; On Testimony and Agreement, *ibid.*, p. 294; On forbidden marriages, *ibid.*, 1905, pp. 712 sqq.

by the identity of the translated text verses with Sa'adyāh's version. A discussion of the meaning of repentance in similar terms, but in more elaborate forms is given in Book V of the same author's *Eṣmunōt*.³² Dividing mankind in respect of moral conduct into ten classes he places the repentant sinner into the last class. 'The lines of repentance, he says, are four, viz. abandoning (sin), regret, asking forgiveness, and the resolve not to sin again.' In connexion with this argument it is scarcely accidental that the verses Psalms 78. 36-7 are quoted in our fragment as well as twice³³ in the corresponding place in the *Eṣmunōt*. Sa'adyāh's authorship cannot, therefore, be doubted. In our fragment he further illustrates his theory of repentance by the instance of Saul whose first confession of guilt was rejected, because he was not really contrite, and only the repetition of his regret induced the prophet to relent.

There is a gap after the first leaf, the second taking up the thread with Deut. 2. 9. This contains a seeming contradiction, since the Israelites had taken possession of a part of Moabite territory from Sihon. Sa'adyāh explains this to the effect that Sihon had conquered Moabite lands, and it was from him that the Israelites took it. Another possible objection is that this passage should have 'Sihon' in the place of 'the children of Lot'. To this the author finds three answers. All this is quite in keeping with Sa'adyāh's usual method, relying on the number of arguments as well as on their strength. The fragment ends with the explanation of the names of the Canaanite nations mentioned in the verses 2, 10-12. Here it should be noted that his translation of אֲנִיִּם agrees with his way of rendering

³² Arabic original, ed. Landauer, p. 177.

³³ *Ibid*, p. 180.

this name in the passages in which it occurs in his translation of the Pentateuch.

A

Cod. Brit. Mus. 5562. C. 27 cm. x 16 cm.

Fol. 23 ro.

אלקעָה קד פּצח באַן לה צאחבא סואה אד קאל
 ונפש בעליה הפחתי ואנמא הי ציאע מסתרהנָה
 פי ידה פסביל אלמסתחלִין אן יאכלון תמרה מא ירהן
 ענהם ולא יחסבון לצאחבה תמנה פאיוב חבֵרָא
 מן דלך פקאל אני מא אכלת שיא מן תמרהא אלא בתמן
 חסבתה לצאחבהא מן אלדִין אלדי עליה פאן כנת
 למ אפעל הדא תנבת לי ברל אלחנטָה שוכא וברל
 אלשעיר זואנא וכדלך יחזקאל עדר גנאיתא כתירה
 פי קצה והוליד בן פרייץ וג' וכתם עלי אלרבא כֶּךְ
 בנשך נתן ותרבית לקח וג' ובאזא דלך עֵדֶר דויד
 טאעאת כתירה מזמור יי מי יגור בא' וג' וכתם עלי
 תרך אלרבא כספו לא נתן בנשך וג' וקאל עשה אלה
 לא ימוט לע' געלה תאבתא בחק בין ידי כאלקה כֶּךְ יי
 מלך גאות לבש וג' אף תכון תבל בל תמוט וקאל לא יתן
 לעולם מוט לצדיק. ואחבע הרה אלשריעה בשריעה אלעבר
 אלעבראני בעד מא כאן קד שרח פי ואלה המשפטים
 אנה יכדם ד סנין פקט ואן אבא אלכרוג כדם מולאה
 אברא פערפנא החונא אן סנה אליובל אן ואפאה קבל
 תמאם אלד סנין עתקה אד לא יגזו אן יכון אחד מן
 ישראל פי אליובל עברא פקאל וכי ואדא תמאהן
 אכוך מעד פבאע נפסה לך פלא תסתכרמה כרמה
 אלעביד כשכיר כאגיר או כצִיף יכון מעד ואלי סנה
 אלאטלאק יכדמך ויצא תם יכרן מן ענךדן חו ובונה
 מעה וירגע אלי עשירתה וחזו אבאיה. כי עבדי לאנהם

עבירי אלדין אזרנחתם מן בלד מצר פלא יבאעון ביע
 אלעביר לא ולא חסתולי עליה בקמא וכאף רבך
 ועבדך ועבדך ואמתך אלדי יבונאן לך פמן אלאמם Fol. 23 vo.
 אלדין חואליכם מנהם תקתנון אלעביר ואלאימא וגם ואיצא
 מן בני אלסכאן אלמקימין מעכם תשתרון ומן עשירתהם
 אלמולודין פי בלדכם יכונזו לכם חווא והתנחלתם
 תורהונהם לבניכם מן בעדכם כמיראת אלחוז יסתדרמונהם
 אבדא ומא אכותכם בני ישראל פכל ואחד לא יסתולי
 עלי אכיה באקמא קר תאלתה וכי ימוך אחיך עמך
 ונמכר לך תאבע ללקולין אלאולין כי ימוך אחיך ומכר
 וכי ימוך אחיך ומטה באנה יקול מן באע ציעתה
 ולם יכפיה דלך ואקרצתה או צדקת עליה ולם יכפיה
 דלך חתי באע נפסה מנה פלא תקימה מקאם אלעביר
 לא יעדו וראך בנאשיה ולא יחמל בין ידיך אלה
 אלחמאם ולא יענע אלאשיא אלמכצוצה בל יכון כשכיר
 כתושב אראד בקולה כשכיר אן יעמל אעמאלא
 מערופא בעינהא כמא יסתאגר אלבאא ואלנאאר ואלכאאט
 ואראד בקולה כתושב אן תנסבה אלי נפסך ותרא מא
 ילחקה מן נקץ אנמא הו לאחק כך. ויחתמל איצא
 קר כשכיר ליקום פי אלליל. ויחתמל איצא קר כשכיר
 ליופא אגרתה ממא דפעתה אליה קרימא. כתושב
 ליוגב יעולה מע עיאלה זונתה ואולאדה עלי מולאה.
 וקר עד שנת היובל יעבד עמך פהו פציח מא חצל
 לנא אליובל ימנע כדמה תמאם דסנין ויקטעהא
 וקר ויצא מעמך הוא ובניו עמו פציח בכונהם פי
 עיאל אלמולי ואמא זונתה פקר פצה בהא הנאך
 אד קאל ויצאה אשתו עמו. פאלכרוג ידל עלי אלכרול
 באן קבלה. וקר ושב אל משפחתו יוגב אן יכון ענד
 אהל ביתה בחאלה לא ינקצונה שיא בסבב אסם

אלעבודי'ה אלתי וקע עליה וקד נרא באן דכול
 אלציעה פי הדא אלמוצע לא מעני לה והו קולה ואל
 אחות אבותיו ישוב. הם נתבין אנה למ יביע נפסה

B

Cod. Bodl. e. 74, 19 cm. x 14.5 cm.

Fol. 83 ro. יכון צארפא לה ען אלעום עלי פעל מתלה ואדא כאן הארין אלוצפין חמא
 עמדותי אלחובה ענדכם וקד וגדנא מן אהל אלמדבר פי דלך אלומאן עלי מא
 קד ביננא פלם למ תקבל תובתהם מע קולחם בוגוב קבול אלחורה לאנה
 קאל להם לא תעלו ולא תלחמו כי אינני בקרבכם וג' פנקול לאן הדא
 אלסואל (ואן)

ואן כאן קד אשתמל עלי בעין קולנא פי אלחורה פאן אלסאיל קד תרך
 קולנא פי שרוט אלחובה ודלך אדא ואן כנא נקול אן אלנרם ואלעום חמא
 עמדותי אלחובה פאנא אנמא קלנא דאלך אדא אוקעהמא אלנאדם ואלעאום
 עלי וגהין מנעוצין כאנא תובה והו אן ינדם עלי אלמעציה לקבחהא
 ואן יעום עלי לא יעור אלי מתלהא פי אלקבה פאן אוקע אלנאדם (ואל)
 ואלעאום נדמה עלי מא פעלה לאנה פאחה נפע דניאיי או למא אשבה
 דלך ועדם עלי אן לא יעור אלי מתלה ממא יפותה מתל אלנפע או למא
 מאהל דלך למ יכן תובה ועלי אן אלנרם ואלעום קד וגדא מנה
 ואקעין (עלי)

עלי אלונהין ארין דכרנאחמא או עלי מא אשבהחמא ואדא כאן הדא אצלנא
 פי אלחובה פלו כאן תאבו אנשי מדבר נדמא לפות נפע דניאיי וקד נובה
 אלעום אן- לא יעורו אלי מתלה למ יכון דלך תובה מנהם לאנהם אנמא
 תחזנו לפותהם כיראת ארין ישראל והו נפע דניאיי פלהדא כרנו מן אן
 יכנוו בדאלך תאיבין אלי תרי אן קולה הנאך ויתאבלו אנמא כאן
 גמא וחונא

ואלנא הו אלעלם אן אלטץ בחלול צרר באלמגמום או בפות נפע
 עטים לה וליס

כל מן אנתם לפות נפע דניאיי או לחלול צרר דניאיי כאן תאיבא
 פלדלך קאל אללה להם לא תעלו ולא תלחמו כי אינני בקרבכם וקולהם
 ההנא חטאנו ליי לא ידל עלי אנהם קאלוה בקלב כאלין וניה צאפיה
 קד קאל ענהם ויפתוה בפיהם וב' יכזבו לו ולבם לא נכון עמו וגו' וקד
 קאל פרעה למשה ולאהרן חטאתי ליי אלהיכם ולכם ולם יכן דלך תובה
 לאנה ורד ען ניה פאסדה אלי תרי אן דויר למה קאל לנתן בניה צאפיה
 וקלב מזלין חטאתי ליי קאל לה נתן גם יי העביר חטאתך לא תמות
 פאן קאל

קאיל אן אלוער אלדי תואעדה אללה בקולה הנני מקים עליך רעה מביתך
 לם יסקט בתובתה קיל לה לם יכן דאלך ועידא ואנמא כאן כברא בסו
 אכתיאר אבשלום ולם יכן מן פעל אללה תעאלי לאנה לא יפעל אלקביה Fol. 84 vo.
 ולא יאמר

בה ולא יביחה פאן קיל אן לם יכון דלך מן פעל אללה תעאלי פמא מעני קולה
 ולקחתי את נשיך לעיניך ונתתי לרעיך וגו' קיל לה אנה אראר בדאלך
 אלתכליה

בין אבשלום ובין האוליד אלנסא בחיה לא יצרפה ענהם בגיר אלנהי
 ולא צרה בגיר אלוגר פאמא שאול פאנה קאל ענה ויאמר שאול אל
 שמואל חטאתי כי עברתי את פי יי ואת דבריי וגו' ולם יקבל דלך מנה
 בל קאל לה בעד קולה לה חטאתי כי מאסת את דבר יי וימאסך יי מהיות
 מלך פהדא ידל עלי אן שאול לם יקל דלך עלי ונה אלתובה: וקד קאל קום אנה
 אנמא לם יקבל דלך מנה לאן אלגור דין נחתם עליו. פנקול נחן אן הדא
 אלקול לו כאן מנה תובה לבאן מא יחל בה בעד דלך מן אלאלאם אנמא
 יחל בה עלי ונה אלמוחנה לא עלי ונה אלעקובה לאן אלתובה תסקט אלעקובא
 ען אלתאיב וקד קאל לה אלנבי וימאסך יי והדא לא יקאל לתאיב ולא
 לממתחן: ופי הדא אלקצה מסלה כבירה ארי אן אדברהא וגואבהא
 ואנא אנא ראינא שמואל יקול לשאול לא אשוב עמך תם קאל פי אכר
 אלקצה וישב שמואל אחר שאול פכין חסן דלך מן אלנבי פנקול אנה
 יגב אן יכון קולא לא אשוב עמך עלי הדא אלוהה ולה³⁴ אן ישוב עמו

³⁴ Read וסואלה.

עלי וְגַם אֲכָר פִּיכּוֹן אֲלוֹנָה אֲלֹדִי לֹא יֵשׁוּב עִמּוֹ הוּא בִּי אֹל סוֹאֵלָה פֶּאן
 אַעֲדֹ אֲלִסּוֹאֵל וְאַעֲדֹ אֲלִתְנַצֵּל רְגַע מַעַה אֲלִי תְרִי אֲנֵה בַעַד
 קוֹלָה לֹה לֹא אִישׁוּב עִמָּךְ קֹאֵל וִיחֹזֵק בִּכְנֶף מַעִילֹ קֹאֵל לֹה אִישׁא חֲטֹאֲתִי
 עַתָּה כְּבַדְנִי נֹא נִגְדֹ וְקִנִּי עִמִּי וְנִגְדֹ יִשְׂרָאֵל פִּלְדֵּלֶךְ קֹאֵל בַּעַד הִדָּא וְיִשְׁבֹּ
 שְׁמוֹאֵל אַחֲרֵי שְׁאוֹל וְקוֹלָה וְתַחֲנֹדְרוּ אִישׁ אֶת כְּלֵי מִלְחַמָּתוֹ בִּי
 וְקַת לֹם יִרִיד אֱלֹהֵה מִנְהֵם דְּלֶךְ וְהִדָּא כְּקוֹלָה עֵן יִיאַב בִּי וְקַת קַתְלָה
 לַעֲמִשָּׂא וְעִלְיוֹ חֲגוֹר חֲרִב מִצְמַרְתָּ עַל מַתְנֵיו פֶּאמָא אֲלֹאֻקֹּאֲתָ
 אֲלִמְחִמּוֹדָה בִּי דְּאֵלֶךְ פֶּהִי כְּקוֹלָה וְיַחֲנֹד דְּוִיד אֶת חֲרָבוֹ מַעַל לְמַדְיוֹ
 וְקֹאֵל מֵאֲדַחָא חֲגוֹר חֲרִבֶךְ עַל יֶרֶךְ נִכּוֹר הוֹדֵךְ וְהִדְרֶךְ. וּפְסֶרְנָא וְתַהֲיִנו
 וְאַנְעַמְתֶּם וְנִצָּה אִשְׁתַּקֵּאֶקָה מִן לֶשׁוֹן חֲכָמִים כְּדִי שִׁיְהִיָּה הֵין שְׁלֶךְ
 צִדֵּק וְהוּא קוֹלָהֵם הֵנֶאֱךְ (הֵנֶאֱךְ) הֵנֵנוּ וְעִלְיֵנוּ אֶל הַמָּקוֹם אִשְׁרֵי אֲמַר יי
 עֲלִי קַתְלָה טַפְרָא הֵמָּא וּמִלֶּךְ אֲדוּם בְּמוֹאֵב וְאַהֲלִכְהֶם בֶּךְ עֲנָהֵם
 וְיִבְאוּ אֶל מַחֲנֵה יִשְׂרָאֵל וְיִקְוִמוּ יִשְׂרָ' וְיִכּוּ אֶת מוֹאֵב וְיִנֹּ' מִפְּנֵיהֶם וְהַעֲרִים
 יִהְרָסוּ וְכָל חֻלְקָה טוֹבָה יִשְׁלִיכוּ אֶת (so) אֲבָנוּ וּמִלֵּא' וְנֹ' וּפִי קוֹלָה
 כִּי לֹא אֶתָּן

Fol. 84 ro.

לֶךְ מֵאֲרִצּוֹ יְרוּשָׁה מִסְלָה וְהִי אֲנֵה אֲדָא כֹּאן תַּעֲאֲלִי קֹד קֹאֵל אֲנֵה לֹא
 יַעֲטִי יִשְׂרָאֵל מִן בִּלַּד מוֹאֵב וְרֵאחָהּ וְקֹד עֲלִמְנָא אֵן. מֹא אֲכִדּוּה מִן יֶד
 סִיחּוֹן הוּא בִּלַּד מוֹאֵב וְקֹד אַחֲאֻזָּה וְחִיּוּזָה בְּכִיף חֶסֶן דְּלֶךְ פִּנְקוֹל בִּי
 גִּוֹאֲבָה אֵן קוֹל אֱלֹהֵה תַּעֲאֲלִי כִי לֹא אֶתָּן לֶךְ מֵאֲרִצּוֹ יְרוּשָׁה מִחֵמָא כֹּאנְתָּ בִּי
 יֶד מוֹאֵב יֶדֶל עֲלִי דְלֶךְ קוֹלָה מֵאֲרִצּוֹ פֶּאדָא כְּרִגְתָּ עֵן יֶדֶה פִּלִּסְתָּ אֲרִצּוֹ
 בַּל הִי אֲרִין סִיחּוֹן וְלִדְלֶךְ קֹאֵל וְיִשְׁבֹּ יִשְׂרָאֵל בְּאֲרִין הָאֲמּוּרִי. פֶּאן קֹאֵל פְּכִיף
 תַּאֲחִיר קוֹלָה כִּי לְבָנֵי לוֹט נִתְתִּי אֶת עַר יְרוּשָׁה וְאֲדָא כֹּאן סִיחּוֹן קֹד
 טַפֵּר בְּבִלַּד מוֹאֵב וְנִלְבַּע עֲלֵיהָ פִּקֵּד צֹאֵר כִּי לְסִיחּוֹן נִתְתִּי אֶת עַר יְרוּשָׁה
 קִיל לֹה אֲנֵה יִמְכֵּן אֵן יִנְאָב עֵן דְּלֶךְ בְּגוֹאֲבִין אֲלִגּוֹאֵב אֲלֹאֹל הוּא אֲנֵה לֹא
 יִמְחַנֵּעַ אֵן יִכּוֹן אֲנִמָּא אַעֲטִי בְּנֵי לוֹט דְּלֶךְ יְרוּשָׁה מִחֵמָא כֹּאנוּ מִקִּימִין
 פִּיהָ פֶּאדָא נִלְבּוּ עֲלֵיהֶם לֹם יִכּוֹן דְּלֶךְ לֶהֱם יְרוּשָׁה. וְאַלְגּוֹאֵב אֲלֵחֲאֲנִי הוּא אֲנֵה
 לֹא יִמְחַנֵּעַ אֵן יִכּוֹן אֲנִמָּא אַעֲטִי בְּנֵי לוֹט דְּלֶךְ יְרוּשָׁה בִּשְׂרַט וְהוּ
 מִחֵמָא כֹּאנוּ מִסְתַּקִּימֵי אֲלִטְרִיקָה פֶּאדָא עֲוִיָּו טַרְקָהֵם לֹם יִכּוֹן דְּלֶךְ
 לֶהֱם יְרוּשָׁה: וְאַלְגּוֹאֵב אֲלֵחֲאֲלֵת הוּא אֲנֵה יִמְכֵּן אֵן יִכּוֹן אֲנִמָּא אַעֲטֵאֵהֶם דְּלֶךְ

יְרוּשָׁה אֵלֵי וְקַת בַּעֲתָהּ. פֹּאדָא אַנְתְּהָא אֱלֹקֵת וְתַקְצָא לִם יִכֵּן דְּלֵךְ לַהֵם יְרוּשָׁה
 פֹּאמָא קוּל אֱלִסְאִיל אִנְהָ יִצִּיר דְּלֵךְ לְסִיחֹן יְרוּשָׁה פֹּאנְהָ בֹאטֵל לֹאנְהָ
 אַנְתְּקֵל אֵלֵי יִשְׂרָאֵל פִּצְאָר דְּלֵךְ לְיִשְׂרָאֵל יִרְשָׁא וְקֵד קִיל אֵן אֱלֹהָ תַעֲאֵלִי
 אִנְמָא קֹאֵל כִּי לִבְנֵי לוּט נִתְתִּי אֵת עַר יְרוּשָׁה לֹאֵן אֲבִרְהָם קֹאֵל לְלוּט
 הִלָּא כָל הָאָרֶץ לַפְּנִיךְ: וּפִסְרָנָא הָאָמִים אֱלֹמֹהִיבִין וְהִדָּא לְשׁוֹן
 מִתְצַדָּף כְּתִיר כְּקָד וְהִנֵּה אֵימָה חֲשֶׁכָה גְדוּלָּה. אֵת אֵימָתִי אִשְׁלַח לַפְּנִיךְ
 תְּפוּל עֲלֵיהֶם אֵימָתָהּ וּפָחַד. וְאֵימֹת מוֹת נִפְלוּ עָלַי וְקֵד גָּא מִנְהָ
 בְּנִיר תָּו וְהוּא קוּלָּה נִשְׁאֵתִי אֵימָךְ אֲפֹנָה. וְבָה וְצָף גִּישׁ אֱלִסְרִיאֲנִין
 בְּקוּלָּה אֵיזִם וְנוֹרָא וְנִמְיַע דְּלֵךְ הִיבֵּה וְכוּף וְקֵד אִסְתַּעֲמֵלָה בִּלְסָן
 אֱלֹאֲרַמְנִי כְּקָד פִּי וְצָף מַלְכוּת אָדוּם וְאִדְרו חִיּוּהָ רִבְעֵאָה (so) דְּחִילָה וְאֵימֹתִי
 וְתִקְפָּא וְקֵד סְמִי אֱלֹאֲתָאֵן בְּהִדָּא אֱלֹאֲסִם פִּי קָד וּבֹאֲמִים יִתְהַלְלוּ
 וְקוּלָּה הָאָמִים לַפְּנִים יִשְׁבוּ בָּה אֲרָאֵר בָּה אִנְהִם כֹּאנוּ קְרִימָא
 מְקִימִין פִּי אֲרִין מוֹאֵב וְקֵד כֹּאֵן אֱלֹאֲמִים אֵיִצָּא אֲקֹאֲמוּ פִּי גִירָהָ
 לְקָד וְאֵת הָאָמִים בִּשְׁוֵה קְרִיתִים: וּוְצָף הָאֹלִי אֱלֹאֲמִם בְּתִלָּת
 צִפְאָת עִם גְּדוּלָּה פִּי אֱלֹקֵד וְרַב פִּי אֱלֹכְתָּרָה וְרַם פִּי אֱלֵעֲטִם
 וּסְאֹוֹאֵהֶם בֹּאֲלַעֲנָקִים פִּי עֲטִם שְׂדֵתָהֶם וּשְׁנֹאֲעֵתָהֶם וְכָקוּל כָּל
 לִיְהוֹשֻׁעַ כִּי אֵתָה שְׁמַעַת בְּיוֹם הַהוּא כִּי עֲנָקִים שֵׁם. הֵם קֹאֵל
 וּשֵׁם חֲבֵרוֹן לַפְּנִים קְרִית אַרְבַּע הָאָדָם הַגְּדוֹל בַּעֲנָקִים הוּא
 וְקוּלָּה רַפְאִים יִחְשְׁבוּ אֵף הֵם כַּעֲנָקִים וְהֵם אֹוֹלָאֵר אֱלֹנְפִילִים כ"ק
 וּשֵׁם רֹאִינוּ אֵת הַנְּפִילִים בְּנֵי עֲנָק מִן הַנְּפִילִים וַיֵּךְ וְקֵד עֲלִמְנָא
 קְבִילָה אֱלֹנְפִילִים בְּקָד הַנְּפִילִים הָיוּ בָּאָרֶץ בִּימֵי הָהֵם וַיֵּךְ וְלֹהָא
 אֲלִשְׁנֹאֲעָה וְקְבִילָה אֲלִרְפָאִים קְרִימָה אֵיִצָּא וְכִמְאָ קֹאֵל וִיכֹו אֵת
 רַפְאִים בַּעֲשֶׁתְרוֹת קְרָנִים וַיֵּךְ וְקֵד כֹּאֵן אֲלִפְלִסְטִינִין מִכְּתִלְטִין בֹּאֲלִרְפָאִים
 וְכַק וּפִלְשֵׁתִים בָּאוּ וּפִשְׁטוּ בַּעֲמָק רַפְאִים בֵּל כֹּאנוּ מִן אֹוֹלָאֲרָהֶם
 וְכַק וְיִתִּי אַחֲרֵי כֵן וְתַעֲמֵד הַמִּלְחָמָה עִם פִּלְשֵׁתִים בְּגוֹר אֹו הִכָּה סַבְכִּי
 הַחוּשֵׁתִי אֵת סְפִי מִלִּידֵי הַרְפָּאִים וִיכְנַעוּ: הֵם קֹאֵל וְתִהִי עוֹד מִלְחָמָה
 בְּגַת וְיִתִּי אִישׁ מִדָּה וְגַם הוּא נוֹלֵד לְהַרְפָּא. וְקֹאֵלִי וְיַחֲרֵם אֵת יִשׁ' וִיכְהוּ וְג'
 אֱלֹה נוֹלְדוּ לְהַרְפָּא בְּגַת וִיפְלוּ וְג' וְאַהֲלָךְ אֱלֹהָ אֲלַעֲנָקִים עָלַי יֵד כָּלֵב בְּקוּלָּה

וּיִירֶשׁ מִשֶּׁם כֹּלֵב אֶת שְׁלֹשָׁה בְּנֵי הָעֵנֶק וְנָ' וְאֵרָאֵד בְּקוֹלָא וּבִשְׁעִיר יִשְׁבִּי
הַחֲרִים לַפָּנִים אֵן בְּנֵי שְׁעִיר הַחֹרִי כִּאֲנֹ מִקִּימִין פִּי הָרַ שְׁעִיר
קִדְמָא וּכְמָא קֹאֵל קִבֵּל דְּלֶךְ אֱלֹה בְּנֵי שְׁעִיר הַחֲרִי יִשְׁבִּי הָאָרֶץ וְנָ'
אֱלֹה אֱלֹפִי הַחֲרִי בְּנֵי שְׁעִיר בָּאָרֶץ אֲדֹם וִיקָאֵל פִּי אֲכָר הָדָא אֲלַפְעֵל
אֱלֹה אֱלֹפִי הַחֲרִי לֵאלֹפִי' בָּאָרֶץ שְׁעִיר וְאֵרָאֵד בְּקוֹלָה וּבְנֵי עֲשִׂין יִרְשֹׁם וִישִׁ'
מִפְּנֵיהֶם אֵן אֱוֹלָאֵד עֲשֹׁ אֲהֻלְכוּ אֱוֹלָאֵד שְׁעִיר וּוְרָחוּ מִכִּאֲנָהֶם
וְלִדְלֶךְ קֹאֵל יַעֲקֹב לַעֲשׂו עַד אִישֶׁר . . . אֵל אֲדִנִּי שְׁעִירָהּ. וְקוֹלָה כֹּאֲשֶׁר
עֲשֵׂה יִשְׂרָאֵל אֵרָאֵד בֵּה מֵא פִּעְלוּה בְּבִלְד סִיחֹן וְעוֹן וְלֹם יִרְוִיד בֵּה מֵא
פִּעְלוּה בְּבִלְד אֲלִשָּׂאֵם לֹאֵן הָדָא אֲלִכְטָאֵב כִּאֵן מִן סִידְנָא מִשָּׁה קִבֵּל . . .

TRANSLATION.

A

. . . . it is clear that it has an owner, as stated in Job 31. 39. This refers to landed property mortgaged to him. Those who consider it lawful, eat the produce of the mortgaged property without crediting the owner with its value. Job, however, dissociated himself from so doing, saying: I have eaten nothing of its produce unless I credited the owner with the amount off his debt. If I have not done so, let thistles grow instead of wheat, and cockle instead of barley (v. 40). Also Ezechiel (18. 10) after enumerating many misdeeds, concludes as follows (v. 13): Upon interest he gives forth, and increase he taketh. In opposition to this, David ends Psalm 15 with the words (v. 5): He that putteth not his money to usury . . . he that doeth these things shall never be moved. Similarly in Ps. 93. 1 and 55. 23.

The next law (vers. 39 sqq.) is that dealing with the Hebrew slave in accordance with what was explained in

Exod. 21. 1-6, viz. that he serve six years only, but if he refuse to leave the service he shall serve his master for ever. In our passage we are taught that if he compensate him before the lapse of the six years the master sets him free, since no Israelite shall be in servitude during the jubilee year.

[Here follows the translation of vers. 39-46.]

Ver. 39 forms the continuation of the verses 25 and 35, and means that if a person sell his estate and still be in want of funds, even if thou lend or trust him, and he sell his own self, thou shalt not hold him as a slave; he shall not walk behind thee with a saddle cloth nor carry bathing utensils before thee, nor do any special work, but shall be as a hired servant and as a sojourner (ver. 40). The term 'hireling' means that he shall do work congenial to him either as architect or carpenter or tailor. The term 'sojourner' implies that thou shouldst consider what he lacks; also that he should be accommodated for the night; further, that he complete prepaid work, and finally that the master provide for his wife and children. The final words of the verse mean that the jubilee year interrupts the service of full seven years. Ver. 41 makes it clear that he and his family must be kept by the master, the wife being especially mentioned in Exod. 21. 3. The 'going out' points to previous 'coming in'. The next verse demands that he live with the family (of the master) in such a way that they do not let him suffer any want, because he might be called a slave. We see that the mention in this passage of his estate is meaningless. After this we will explain that he did not sell himself

B

..... Since in your opinion these two terms represent the pillars of repentance, we find that the position of the people in the wilderness was as we described it. Now why was their repentance not accepted, considering that you maintain the duty of accepting the [words of] the Tōrah which says (Deut. 1. 42): You shall not go up neither fight, for I am not in your midst? We answer that though your question covers part of our declaration, the querist left aside what we said concerning the conditions of repentance. Although we say that regret and resolution are the two pillars of repentance, we demand that the repenting person fulfil these two conditions in order to render repentance worthy of its name. He must be sorry for his misdemeanour for the sake of its odiousness, and be firmly resolved not to be guilty of any similar lapse. If, however, the repenting person regret his offence, because he failed to achieve some worldly end, and is bent upon not repeating the mistake in order to avoid another disappointment, this is not repentance, although his regret and resolve bear the characteristics mentioned above. This being our principle regarding repentance, had the 'men of the wilderness' repented on account of the risk of worldly gain, whilst the resolve not to repeat the offence is enjoined, this could not be called repentance, because they mourned the loss of the advantages of the holy land which was a mundane advantage. They cannot, therefore, be looked upon as having been contrite. The term 'they mourned' (Num. 14. 39) only describes sadness and distress. Distress is the knowledge or the belief that a person is affected by some damage or the loss of a great advantage, but not every one

who is sad because of worldly loss or damage is repentant. It is for this reason that God said to them: You shall not go up. When they said: 'We have sinned', this does not show that they said it with a pure heart and sincere mind. This is described in Ps. 78. 36 as well as in the case of Pharaoh because his confession arose out of evil intention. When David confessed his sin to Nathan with a pure heart and a sincere mind, the answer expressed complete forgiveness. Now if some one assert that the threat uttered against him (2 Sam. 12. 11) did not become invalid in spite of his repentance, the answer is that this was not a threat but the announcement of Absalom's undutiful behaviour, which was not an act of God. God does nothing bad, He neither commands nor permits it. Some people might raise the objection, viz. if this was not an act of God, what is the meaning of the verse just quoted? The answer is that He permitted Absalom to make free with those women, by neither turning him away from them, nor forbidding or warning him.

As regards Saul, the Bible states that he acknowledged his sin (1 Sam. 15. 24), but this confession was not accepted (ver. 26). This shows that Saul did not speak these words in a sense of repentance. Some interpreters say that his regret was rejected because 'his fate had been sealed'. My answer is that had these words been the expression of real repentance, no sufferings would have been inflicted upon him unless by way of trial, but not as punishment, because repentance makes punishment fall to the ground. Such words as 'He hath despised thee' are not spoken by a prophet to a person who repents or is to be tried.

Now this verse raises an important question which I mention here together with the answer thereto. How is it

that Samuel said to Saul: 'I will not return with thee', but later on the story relates that Samuel did return with him. How could the prophet do such a thing? The answer is that Samuel's refusal refers to the first request, but when Saul expressed his sorrow for the second time, taking hold of the hem of his garment and repeating his confession of sin, and asking Samuel to return with him (ver. 30), the latter did return with him.

The words 'when you had girded on every man his weapons of war' (Deut. 1. 41) refer to an occasion not desired by God, as when Joab slew Amāsa (2 Sam. 20. 8). Divine approval is expressed in 1 Sam. 17. 39 and Ps. 45. 4. The word וַתְּהִינִי I explain by 'you agreed',³⁵ the word being radically related to הֵן ('yes') as used in a Talmudical passage.³⁵ They therefore answered with Num. 14. 40. . . .

fol. 3 ro.

. They conquered both of them and destroyed them as stated in 2 Kings 3. 24-5. The words in Deut. 2. 9 involve another question, viz.: If God did not desire to give Israel any part of Moabite territory, whilst we know

³⁵ B. M., fol. 49 ro. Strange to say, that in his Translation Sa'adyāh renders וַתְּהִינִי by וּבִאֲדָרְתָּם (*you hastened*), thus abandoning his former translation in favour of one which seems to have been current. The translation וַאֲנַעַמְתָּם is not only given by Jepheth, but also in a late Qaraite compilation of comments on Deuteronomy (Cod. Brit. Mus. 2498, fol. 2 vo.) in the words

וַתְּהִינִי תַפְסֵר וַאֲנַעַמְתָּם מִן הֵן לֹא יְהִי כְדַבְרֶיךָ וְאֵלֶּאמֶר מִנֵּה הֵן אִי הֵהָּן
מִתַּל הַקֶּם

It is to be noted that Jepheth's name is not included in the authorities quoted by the compiler, but he is perhaps alluded to in וַתְּפַסֵּר. A Qaraite author of our fragment is out of the question on account of the two quotations from the Talmud. See also Ibn Janāḥ, *Kitāb al-Uṣūl*, ed. Neubauer, col. 780:

וַתְּהִינִי לְעֵלּוֹת הַהֵרָה וַאֲנַעַמְתָּ מִן הֵן הַזֵּה הוּא נֵעַם

that what they took from Sihon was Moabite country, how was this possible? The explanation is that this verse refers to lands taken from the 'hand' of Moab (Num. 21. 26), and this is intimated in the word *his* land (*ibid.*). When it had gone out of Moab's hand it was no longer their land, but Sihon's. This is confirmed by ver. 25. It is stated later on (Deut. 2. 9) that Ar was given to the children of Lot, and if Sihon had conquered the land of Moab, the verse should have run: To *Sihon* I have given Ar as inheritance. This can be interpreted in two ways: *first*, it could not have been given as an 'inheritance to the children of Lot' had they inhabited it, but if they conquered it, it was not their inheritance. *Secondly*, it could only have been given as an inheritance to the children of Lot on the condition that they kept on the straight path, but when they walked crooked ways, it was no longer their inheritance. *Thirdly*, it is also possible that God gave it to them as an inheritance up to the time of his sending (a prophet); but the time had arrived it was no longer their inheritance. Therefore the objection that the passage should have 'to Sihon as inheritance' is idle, because the land was handed over to the Israelites as an inheritance for them.

The verse Deut. 2. 9 only means what Abraham said to Lot, viz. is not the whole land before thee?

The word אֲמִים (ver. 10) I explain by 'those who inspire fear'.³⁶ The word is frequently used, as Genesis 15. 12; Exod. 23. 27; 15. 16; Ps. 55. 5; 88. 16. In Hab. 1. 7 the Syrian army is described by אֲמִי. All these instances express the idea of fear and terror. It is used in the same sense in the Aramaic passage, Dan. 7. 7, describing the

³⁶ See also Sa'adyāh's Translation to Deut. 2. 10-11; Gen. 14. 5.

kingdom of Edom, whilst in Jer. 50. 38 it refers to idols. Deut. 2. 10 teaches that the Emim had formerly been living in the land of Moab as well as elsewhere (Gen. 14. 5). These nations are here described by three characteristics, viz. great, numerous, and powerful, and are compared to the Anākim in respect of might and heroism, as stated in Josh. 14. 12, 15.

In Deut. 2. 11 the רפאים are said to be the descendants of the נפילים (Num. 13. 33) who in Gen. 6. 4 are described as distinguished by bravery. The Rephaim were an ancient tribe, as may be seen from Gen. 14. 5. The Philistines were mixed up with the Rephaim, as stated in 2 Chron. 14. 9, but really belong to their descendants, see 1 Chron. 20. 4-7. God destroyed the Anākim by the hand of Kaleb, as stated in Josh. 15. 14.

Deut. 2. 12, speaking of the Horims, should be compared with Gen. 36. 21. At the end of the chapter they are stated to have lived in the land of Seir. The words: 'the sons of Esau dispossessed them' (*ibid.*), mean that the descendants of Esau destroyed the sons of Seir and took possession of their borders. This is expressed in Gen. 33. 14. The words 'as Israel did' refer to Sihon and Og, but not to Palestine, because Moses used these words before

THE PROBLEM OF SPACE IN JEWISH MEDIAEVAL PHILOSOPHY

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CHAPTER II

ABSOLUTE SPACE.

THE subject that now presents itself for discussion, is *absolute space*, by which I mean not the space of this or that object that is directly given in our intuition, but the one that is the product of a mental process of abstraction and generalization. The former space is concrete and perceptual, denoting an impress of the external world upon our senses; the latter space is absolute and conceptual, denoting a reaction of the mind upon the external world. Empirical space is variegated and discrete, manifesting itself in the space of this desk and that landscape and those heavens; conceptual space is uniform and continuous—one great *continuum* without bounds. The conception is a difficult one, implying the absence of any material data to which the human mind could cling: that is why it was so often a source of error and confusion. Yet if you close your eyes and think away the walls of the room and the furniture in it; and think away the world outside of your room, the sun, the moon, and the stars; and think away also the earth under your feet, and the very body in which your mind happens to reside; and think only of your mind floating in an endless monotonous void—you will have some faint glimpse of the endless

continuum in which the material universe is conceived to be submerged, absolute space.

We have seen in the preceding chapter that Jewish mediaeval thinkers never questioned the reality of the extensity of things, never doubted the independent, objective existence of empirical space; yet up till the end of the fourteenth century they all unanimously repudiated the assumption of absolute space. This can be explained in two ways. First of all empiricism was the standpoint taken by the Jewish philosophers in the middle ages. It is proclaimed by Saadya in the introduction to his book called *Beliefs and Opinions*, and it is emphasized by the thinkers that came after him. Maimonides scoffs at the Mutakallimun, those Arabian scholastics, who would assume anything imaginable which would fit in the system; and if contradicted by our senses, they would have a ready reply: human perception is not reliable.⁷⁶ Hence this empirical standpoint might have prevented the Jewish thinkers from believing the existence of anything that cannot be empirically known. But there is also another reason that has an equal degree of probability. Aristotle's conception of space was such as to exclude the notion of absolute space. Now Aristotelianism exercised unimaginable sway over the Jewish thinkers. It was the standard of truth. Thus if the Bible took issues with Aristotle, it was incumbent upon them to explain away the apparent meaning of the Bible, and so interpret it as to be in accord with Aristotle. 'Stultum est dicere Aristotelem errasse.' Hence in accepting the Aristotelian notion of space, which, as I say, excluded the reality of absolute space, they had

⁷⁶ Comp. *Guide*, I, ch. 73, prop. 10.

to accept also the conclusion that might be logically drawn therefrom. And so the situation lasted until the Aristotelian influence began to wane, and the great challenger of Aristotle, Hasdai Crescas, appeared, and gave to the notion of space a different meaning, and proved the objective reality of absolute space. Let us first discuss the history of the Aristotelian notion of space in Jewish philosophy; we will then come to the objective reality of that vast *continuum* which we cannot experience, but which the mind postulates.

I. Just a word is necessary to call up in the reader's mind this Aristotelian notion which we have already discussed in the introduction at length. We all speak of things being in space; the desk, the house, the aeroplane, the world—all things are in space. Space then carries the notion of an encompassing body, and Aristotle defined it as *the first limit of the containing body*. Now the far-reaching consequences of this definition lie in the fact that it does away with the mysterious independent existence of space. It is simply the relation of contiguity between two objects; where this contiguity is missing, of course you have no space. Thus the uppermost, all-encompassing sphere in the Ptolemaic astronomy, while being the space of all things, is itself in no space; for there is nothing higher to be in contact with it, not even a void.

This Aristotelian notion was, as I said, accepted without reserve. Saadya⁷⁶ combats the view of space as that in

⁷⁶ *Emunot*, I, 4: או שמו יחשוב במקום הארץ ויאמר אי זה דבר היה : במקום היה ומאמרו זה אמנם מביא אותו סכלותו בגדר המקום. וסברתו כי ענין המקום הוא מה שהוא מושם תחת הדברים ותבקש נפשו מקום למקום ורואה שאין לזה תכלית ויהיה נבון. וצריך שאבאר כי אמתת המקום איננו כמו שחשב אבל הוא פגישת שני הגשמים המתמששים ויקרא

which all things are submerged, and defines it as 'the contiguity between two objects'. He thus answers the objection levelled at the adherents of the doctrine of *creatio ex nihilo*, namely, what was there in the space of the world before it had been created? Since there was no world, there was no relation of contiguity, and hence no space. He also meets Zeno's argument that if all things are in space, space itself will have to be in space, and so on *ad infinitum*, consequently space does not exist. The strength of this argument is evidently questionable; all it may prove is that space is infinite, but not that it is non-existent. To Saadya, however, such a conclusion would not be in accord with Aristotelianism, and hence wrong. He shows that if

מקום מיושם מקום אבל ישוב כל אחד מהם מקום לחברו. והארץ עתה
בסבובה קצתה מקום לקצתה וכאשר לא תהיה ארץ ולא נשמים יבטל
שיאמר מקום בשום פנים.

Kaufmann in his *Attributenlehre*, p. 63, note 117, misconstrued the whole passage. He explains the phrase *מה שהוא מושם תחת הדברים*, which he wrongly designates as Saadya's own view—as 'dasjenige was an die Stelle der Dinge sich setzt, d.h. beim Fortrücken eines Dings dafür eintritt.' When an immersed body, a cubic inch in volume, is removed, the liquid will naturally fill the gap, the cubic inch of the liquid being the space of the displaced body. But according to this interpretation, an object and its space cannot be conceived simultaneously; which is absurd. To place an object and to displace it, are two distinct ideas. Perhaps what Kaufmann had in mind is not the cubic inch of the displacing liquid, but the cubic inch as such, the stereometric content, so that the interval between the superficies of an object would be its space, a theory discussed and combated in Aristotle's *Physics*; but this 'interval' is altogether wanting in the words of the definition. What Saadya referred to in that expression is undoubtedly the Platonic notion of an all-containing receptacle, against which Saadya advances Zeno's argument that this receptacle must itself be contained, and so *ad infinitum*. Kaufmann also misunderstood the expression *אבל ישוב לחברו*, כל אחד מהם מקום לחברו, apparently he read *ישוב*, for he translates it: 'Die Ausdehnung—eigentlich das von jedem von beiden Bewohnte', but the Arabic original, *يَلْ يَصِير*, clearly indicates the true meaning.

you understand by space a mere relation of contiguity, the whole argument becomes meaningless. But the reader will realize at once that this position, while apparently attacking Zeno, really admits his argument, i. e. that space as an all-encompassing void is inconceivable; there is only a relation of contiguity. There is *place*, but not *space*.

This became the traditional view in Jewish philosophy. Gabirol speaks of space as implying 'the immediacy of the surface of one body to that of another body', or simply 'the contact between two bodies'.⁷⁷ Abraham bar Hiyya defines space as 'that which envelopes the shape of a body all around from the outside'⁷⁸—a phraseology which is not quite fortunate, but whose meaning is clear. Joseph Ibn Zaddik maintains that 'the true meaning of space is propinquity, for there is no container without something contained, nor anything contained without a container',⁷⁹ and that 'the uppermost sphere needs no space because its parts constitute space for one another',⁸⁰ which means that the largest diurnal sphere, inasmuch as it rotates only around its axis, and does not as a whole change its position, does not require any space over and above; only its parts change their relative position, and they constitute space for one another. Abraham Ibn Daud understands by space 'that

⁷⁷ See *Fons Vitae*, II, 14, p. 74, 24 'Locus est applicatio superficiei corporis ad superficiem corporis alterius'; comp. also II, 14, p. 49, 5 'Intentio loci noti est applicatio duorum corporum.' Comp. *Meḳor Ḥayyim*, II, 21: אחר גוף בשטח גוף בשטח גוף אחר, also II, 23, 33.

⁷⁸ See *Hegyon Hanefesh*, p. 3: כי המקום הוא דבר חופה את צלם הגוף מכל סביבותיה מבחוץ.

⁷⁹ *Microcosm*, p. 15: שאמתת המקום וענינו שהוא סמוך לפי שאין מקום מבלי מתקומם אין מתקומם בלי מקום.

⁸⁰ *Ibid.*, p. 11: ועל כן אין צריך למקום שכל חלק ממנו מקום לחברו. Cf. *Phys.*, IV, 6.

the surfaces of which compass the object that is in it'.⁸¹ Aaron of Nicomedia, the Karaite, writes: 'The primary meaning of space is that which matter occupies, the dimensions of the spatial body being called space. It also denotes unoccupied dimensions or the whole space. And thinkers are at issue in this matter. Some apply the term space to that which is in contact with the surface of the body and surrounds it on all sides, others apply it to the void that embraces the universe; and the first opinion is the correct one.'⁸² Finally, Gersonides takes the same standpoint when he argues that 'above and below relations are not due to any mathematical dimensions, but to the things that bear these relations. Thus light objects move upwards, heavy ones downwards; and when there was nothing light or heavy these above and below relations did not exist'.⁸³

Thus we have seen how the Aristotelian conception of space acquired the certainty of a philosophical tradition. Jewish philosophers used it as a self-evident truism, as a logical foundation for the doctrine of *creatio ex nihilo* and other important theological doctrines, and it occurred to no one to question the validity of this foundation. Then Hasdai Crescas appeared, free from the hypnotism of the Greek master, and with a boldness that we must admire, considering the circumstances, commenced to challenge Aristotelian doctrines, including the one concerning space, and his challenge resounds in the *Dogmas* of his disciple Joseph Albo, and even in the works of Don Isaac Abrabanel by no means an independent thinker. Perhaps it was

⁸¹ *Emunah Ramah*, p. 16: שכל מה שהוא במקום שטחי מקומו כופים עליו. Perhaps it should read חופים. Comp. the quotation from *Hegyon Hanefesh* in note 78.

⁸² *Eṣ Hayyim*, ch. 20.

⁸³ *Millhamot*, p. 371.

this challenge of Aristotelianism that marked the beginning of the end of the mediaeval period in Jewish philosophy.⁸⁴

Crescas finds four difficulties in the Aristotelian notion of space, which he formulates very laconically, as 'the encompassing, equal, and separate surface'.⁸⁵ These 'difficulties' are not very difficult. First of all, he argues, the all-encompassing sphere, having no container is, according to Aristotle, in no space; but all things have their existence in space. Consequently, Aristotle is wrong. Secondly, Aristotle taught that every element has a certain affinity towards a particular place at which it is at rest and to which it is in motion. Thus air is naturally at rest in the concavity of the celestial layer of fire; everywhere else it can be at rest only by means of some external force. Now if this be true, it would follow that either the inner parts of the air will never be in their natural place, not being in contact with the concave surface of fire to which they strive as parts of the air element, or else their natural place is different from that of the whole—either of which alternative

⁸⁴ The reader should not assume, however, that Aristotelian influences disappear altogether from Jewish thought. Even a Kabbalist like Moses Botarel speaks of Aristotle in laudatory terms and accords him a seat in Paradise. See his commentary on the *Book of Creation*, p. 26, quoted in Steinschneider's *Hebraische Uebersetzungen*, p. 269. But the name of the 'Philosopher' no longer enjoyed universal and unquestionable authority. Thus Isaac Abrabanel, though often accepting Aristotelian notions, dares to confer upon him the epithet 'Ancient Serpent'; see his *מפעלות אלהים*, II, 3.

⁸⁵ See *Or Adonai*, ed. Vienna, 1860, p. 6, where the definition of space is formulated: *היות המקום השטח המקיף השוה הנברל*. Comp. Narboni on *Guide*, I, 73, prop. 2, where he speaks of *התכלית המקיף השוה הנברל*. On p. 15 Crescas advances four arguments against this Aristotelian definition. Compare also *Minḥat Kenaot*, by R. Jehiel of Pisa, p. 26: (i.e. of space) *שגדרו הוא תכלית הגשם המקיף במתקומם הנוגע בו*.

is absurd. Thirdly, how do the celestial bodies move in a circle, what place is the goal of *their* striving? Fourthly, Aristotle held that a rotating ball has its place, though accidental, in the axis which does not move; now if the axis is meant to be a material part of the ball, it is evident that motion in this case would be impossible without a disintegration of its parts, and if it is meant to be a mere geometrical line that can be drawn through the centre, it cannot be the place of the object.

These arguments are by no means convincing. Besides, they are not altogether relevant. They do not exactly 'hit the mark'. Crescas is more aggressive and much more convincing in the concrete problem of the void, which outgrows from this whole discussion, and which I reserved for later treatment. I shall therefore let these arguments pass without criticism. It should, however, be remarked that Albo also advances four arguments against the Aristotelian notion, the first two of which are identical with the first two arguments of Crescas.⁸⁶ Albo's other two arguments are as follows: According to Aristotle, the place of a part would be greater than the place of the whole, for a spherical body in which a deep break has been made will require a greater surface to contain it inside and outside than when it was whole. Thus let figure 1 represent a ball, and let figure 2 represent the same ball but in which a deep wedge-like hole has been hollowed out, and let the thread in both cases represent the Aristotelian 'container' or place. It is evident that figure 2 is only a part of figure 1, and yet it takes a greater thread to embrace the second ball than the first, because geometrically AOB is greater than AB . Consequently a part would occupy

⁸⁶ See *Dogmas*, II, 17. See also ספר הגוררים, s. v.

a greater place than the whole, which is absurd. The second argument is a similar one. Take a body which occupies a certain amount of Aristotelian space—or let us call it for brevity's sake, place—and divide it; since each segregated part now requires a containing surface for itself, the total amount of place occupied by that body will now be greater. The further you divide, the greater the place that it will occupy, which contradicts the Euclidean law

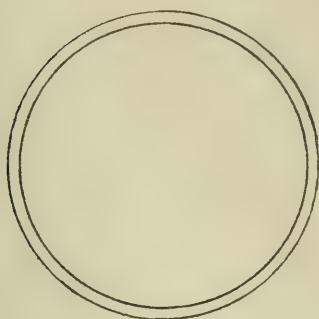


Fig. 1.

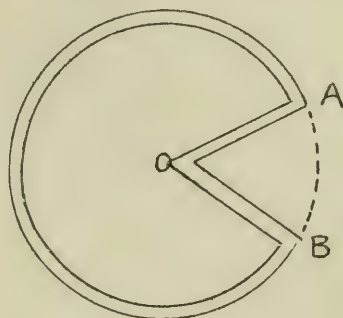


Fig. 2.

that equal bodies occupy equal spaces. These two arguments also are easily met by the idea that the Euclidean law of space cannot be applied to place.

To come back to Crescas, what was his own view of space? According to his conception, it is a great *continuum*, an infinite and immovable void, ready to receive material objects. And in receiving matter, it is not displaced, for it is immovable, but on the contrary it embodies itself in it and becomes concrete extensity, or, as Aristotle called it, the interval between the extremities of an object.⁸⁷

⁸⁷ See *Or Adonai*, p. 15 b: שהמקום האמיתי לדבר הוא רוחק אשר בין תכליות המקיף והשקרים אשר חייב אריסטו לזה הדעת אין ענין להם. See also 17 b. According to Simplicius, Plato defined space as

Aristotle rejected that view for the reason that all bodies move in space, and if the interval of a body were space in itself, we would have space moving in space. To this Crescas answers, there are no various spaces. *It is one infinite and immovable.* When matter is immersed in space it is like a net in a stagnant pool, which when moving does not disturb the silent waters. In other words, extensity and void are not two kinds of space, but really one; only the former has had an admixture of matter and has therefore visualized itself, while the latter is pure and hence invisible. Extended matter is like a streak of sunlight that has become visible by absorbing particles of dust. Thus we have no phenomenon of space moving in space. Empirical space and absolute space are one—this is the great idea of Hasdai Crescas.

Crescas found a faithful follower in Joseph Albo, who incorporated this conception of space in his *Dogmas*, but Albo seems to have been his first and last follower. Conditions in Spain, for some four centuries an asylum of Jewish culture, were no longer favourable for the development of free thought. The end of the fifteenth century found Spanish Jewry subjected to persecution and dire oppression, which strangled the zeal for genuine speculation in the Jewish breast and brought the progress of Jewish philosophy to such an abrupt end. It is, however, to the credit of the Jew's yearning for knowledge that even in those dreadful times a man like Don Isaac Abrabanel, one of the foremost statesmen of Spain, but later an outcast of the land which he faithfully served, found moments of leisure in the intermissions of his aimless wandering to

τὸ διάστημα τὸ μεταξὺ τῶν ἐσχάτων τοῦ περιέχοντος (Simpl., *Phys.*, IV, p. 571). If Simplicius is correct, Crescas takes the Platonic standpoint.

compose philosophical treatises which, though wanting in originality, display a vast amount of erudition and acquaintance with philosophical systems. In the question under discussion he does not side with Crescas, but adopts the Aristotelian conception of space.⁸⁸

II. The preceding discussion as to whether we are to understand by space a material receptacle or an unlimited *continuum*, is altogether useless, if not supplemented with a discussion of a problem which is implied therein, namely, the existence of a void. The Aristotelian conception involves a cosmology which admits of no void. The universe is composed of spheres one within the other, all compact, with no space between. The innermost sphere, sphere *A*, has its place in the concave form of sphere *B*, and sphere *B* in sphere *C*, and so forth. The uppermost all-containing sphere is in no place: it is the limit of the universe. Thus there is place; but no pure space, no void, whether between things or outside of them. On the other hand, if we mean by space an unlimited *continuum* embodied here and there in a concrete material object, a canvas as it were in which some fine tapestry is woven, we naturally postulate the existence of an unembodied space or a void. Thus so long as the Jewish thinkers unquestioningly accepted the Aristotelian notion of space, they discarded the possibility of a void; it was Crescas who first endeavoured to prove that the void is a real fact.

It is noteworthy that the existence of a void was one of the great issues between mediaeval Aristotelianism and Arabian scholasticism or the Kalam; the former, as we have seen, vigorously renouncing it, and the latter vigorously

⁸⁸ אשר הוא שטה הרבר המקיף שוה נברל: IV, 3: מפעלות אלהים
למקומם כפי מה שגדרו אריסטו.

maintaining it. The Mutakallimun maintained the void, because it is an indispensable element in any system which resolves matter into segregated particles of minute magnitude generating all phenomena by their motion.⁸⁹ Jewish thinkers, we have found, were averse to atomism; so that the postulation of a void was no requisite of their system. At all events, Jewish philosophy before Crescas was unanimously against the existence of pure space.⁹⁰ Let us see some of its chief reasons.

Joseph ibn Zaddik offers a proof from nature. Take a pitcher and plunge it into water with its mouth upside down. No water will come in the pitcher. Remove the air, and the water will instantly rush into it, so as not to leave a vacuum. Or take a jar with a perforated bottom, fill it with water; of course the water will issue through the bottom, and air will enter through the top, and immediately fill the gap. Now fill the jar with water again, and close it so tightly as to leave no access to the air; no drop of water will leak through the pores of the bottom. This clearly shows that there is no vacuum in nature.⁹¹ The argument, by the way, is Aristotelian, and is also cited by Narboni.⁹²

How then is motion possible if there is no empty space? In a compact world of matter, where even elbow-room is denied us, how can we move? Ibn Zaddik adopts the Aristotelian answer. The air is very elastic, being

⁸⁹ See *Guide*, I, 73, prop. 2.

⁹⁰ Abraham Ibn Ezra is perhaps an exception to this statement. He nowhere posits the void, but one might infer it from the atomistic ideas that he expresses in the fragments called *ערוגת החכמה ופרדס המוכנה*. See above, note 55.

⁹¹ *Microcosm*, p. 16.

⁹² See Narboni on *Guide*, I, 73, prop. 3.

easily condensed and rarefied. And when we press forward, we set up a system of condensation before us, and a system of rarefaction behind us. Even the removal of a drop of water thus affects the whole universe; but no vacuum is anywhere formed.⁹³ The reader will realize that, as Narboni rightly remarked,⁹⁴ the atomists could not have taken the same view in explaining atomic motion by condensation and rarefaction without being compelled to assume the existence of a void, because the atom is conceived to be an indivisible, non-magnitudinal and ultimate reality, and hence can neither swell nor shrink.

A similar argument for the non-existence of the vacuum is adduced by Maimonides from the science of hydraulics.⁹⁵ Water is being carried from a lower to a higher level by means of a pump out of which the air has been exhausted, the underlying principle being that 'nature abhors a vacuum', that it tends to fill an empty space as soon as it is formed.

An altogether original argument was suggested by the Kabbalist, Isaac Ibn Latif.⁹⁶ A visual sensation of light implies a certain gas medium through which radiant energy is being propagated in waves, finally impinging the retina of our eye, thus producing a sensation. Ibn Latif was of course ignorant of the modern undulatory theory of light; instead, he believed that an object of light emits certain material corpuscles—similar to the now repudiated Newtonian conception. But at all events a certain medium is required through which the radiant energy or the radiant corpuscles are transferred. Hence our vision of the luminary bodies proves the total absence of intervening

⁹³ *Microcosm*, p. 16.

⁹⁵ *Ibid.*, prop. 3.

⁹⁴ *l. c.*, I, 73, prop. 2.

⁹⁶ See רב פעלים, section 60.

vacuum. It is curious, however, that in the end he remarks as follows: '... and the very same demonstration for the non-existence of the void, is a demonstration for its existence; and understand this, for it is sealed.' How this argument also proves the reality of a void is not easy to guess, unless he meant that the radiant waves in order to move must have free space—a contention which, as we have seen, has already been refuted by earlier thinkers. But the argument in itself is noteworthy.

The reasons so far advanced are drawn from the realm of nature, and all they may prove is that there are no empty interstices between the material objects, that the equilibrium of the world demands a filling up of all gaps, leaving nothing empty. They demonstrate the familiar maxim: 'Nature abhors a vacuum'. Of course, as Solomon Maimon, the Kantian interpreter of Maimonism, correctly suggested, nature does not exactly *abhor* a vacuum, it is *forced* to fill it; that is to say, a vacuum is a *natural* existence, only it is obviated by external forces. When the air is exhausted from the tube, the water is forced into it by the atmospheric pressure; so that when the tube is too high for the atmospheric pressure to raise the water, a void will *naturally* form in the tube. This physical phenomenon was entirely overlooked by the men I have mentioned. The mediaeval term *horror vacui* is really misleading. At all events, those arguments tend to refute the existence of void within the material realm, or, following the analogy of our previous terminology, *empirical void*, which does not mean an experience of a void, but a void of experience, or a blank in the midst of objects that appeal to our sensation. Now what of *absolute void*, what of pure infinite dimensionality in which the universe is supposed to exist, is it

real or fictitious? Is there any space beyond the confines of the world? Or let us imagine matter annihilated or non-existent, would there be space after all?

Gersonides answers these questions negatively. Tri-dimensionality is a quality of matter; take away matter and you have no space. It is absurd to say that before the creation of the tangible world there was pure space; for if so, why did God create the world in this part of the infinite void and not in another? The void is alike in all its parts, no one of which owns a greater possibility of being informed and embodied than another. If then you assume a void, you have to assume logically a coextensive infinite matter, which is likewise absurd. Hence pre-existent space is an impossibility.⁹⁷ The argument is based on the theory of creationism, a theory no longer tenable in philosophical circles; but the whole question about the *pre-existence* of space is a scholastic one. Gersonides, however, goes a step further, and endeavours to show that any form of empty space is inconceivable. There is a patent contradiction involved in the term 'empty space'. Space, we know, is measurable and infinitely divisible. But empty space means that there is nothing existent, in short, nothingness, and how can we conceive of nothingness as measurable or divisible, or of one nothingness as greater than another? Consequently empty space is an *absurdum*. The argument hides a certain fallacy, but let us go on and see the concrete example which he offers in order to demonstrate the absurdity of the void. Imagine two bodies separated by empty space, one *ABCD* and the other *EFGH*, placed in two positions, the lines *AB* and *EF* in one position being parallel lines, and oblique in the other.

⁹⁷ See *Milhamot*, p. 365.

Now in Figure 1 we say that the intervening distance or void represented by AE equals BF ; while in Figure 2 we say AE is greater than BF . But both AE and BF do not represent any material existence, consequently they are zero, and how can zero be a basis of comparison, and above all how can one zero be greater than another? Hence the void is an absurdity.—Q.E.D.⁹⁸ But it is evident that Gersonides plays hide-and-seek with the notion of pure space. This term stands for mere dimensionality devoid

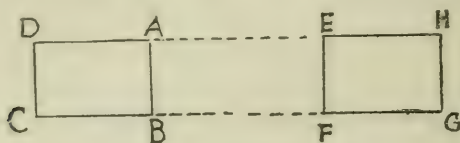


Fig. 1.

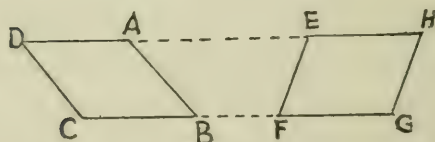


Fig. 2.

of any material thing. Now if one were to count things, he would of course have to leave out the void, and consider it mathematically zero. But here it is not the counting of the two bodies that is involved, but the *extension* of the intervening void; and from the point of view of extension, the void is a definite quantity unless it has been previously demonstrated that the void is an impossibility—something that is here to be proved. Gersonides, therefore, in assuming that the lines of extension AE and BF are zero, is clearly arguing in a circle.

Gersonides, however, concludes that the void is an

⁹⁸ *Ibid.*, pp. 378 and 379.

illusion. It is strange that such an acute thinker should fall into such an open fallacy ; perhaps it was the Aristotelian system to which he mainly clung that required of him such a conclusion, and the need of a conclusion blinded him to the validity of the reasoning. Reason is very often sacrificed in order to suit a system. At any rate, Gersonides firmly held that the universe is finite ; that there is no space beyond the world. But here a logical puzzle presented itself to his mind. ' There is no space beyond the world ' , but does not the very word ' beyond ' suggest space ? Does it not convey the notion of outstretched plains, even while this is meant to be denied. Let us expand that brief statement ; do we not mean that there is no space in the space beyond the world ? Is not therefore the whole idea about the finitude of space meaningless and erroneous ? Gersonides, however, does not despair. The puzzle is not real, but linguistic. Human language fits our daily needs, but is not rich enough to express many a fine shading in reality. It is incapable to express the absolute absence of space in terms of before and after, just as it is incapable to express the absolute non-existence of time in the relations of before and after. When we say, what was *before* the beginning of time ? we experience the same difficulty. It is not however real, but simply verbal, due to the inadequacy of language.⁹⁹ This is Gersonides's solution of the puzzle. Some five centuries after, Kant also grappled with this puzzle, but his solution was different. We can conceive no end to space, no limits beyond which there is no space. Hence space must be a necessity of thought, a form of intention. Which solution is saner this is not the place to discuss.

⁹⁹ *Ibid.*, p. 384.

So much for the negative side of this void-discussion. This side, it should be noted, does not make out a very impressive case. Its reasoning is sometimes hackneyed, and sometimes faulty. Judah Halevi counted the void as one of the things that common sense seems to accept, and syllogistic reasoning rejects;¹⁰⁰ but he did not show us what this 'syllogistic reasoning' is. Yet although the proposition which this side attempted to put forth had no great intrinsic force, it had that force which is in every view that coincides with tradition. It traced back its lineage to Aristotle. *Ipse dixit*. That is why this negative view was popular in Jewish philosophy for so long a time. At last the affirmative side appears on the scene, represented by one man only, radical, bold, and daring—Hasdai Crescas. Let us hear what he has to say.

Crescas does not enter into a detailed discussion with the followers of Aristotle, he attacks straightway Aristotle himself. Incidentally he points out the absurdity of Gersonides's difficulty with empty space as a magnitude. If you remove the air from a jar, you do not remove extension along with it. And the empty extension in the jar is of course measurable and divisible.¹⁰¹ He also shows in passing that finite space is inconceivable, because what is there beyond?¹⁰² Crescas evidently rejects Gersonides's explanation by an appeal to linguistic poverty. He also clears another difficulty that Gersonides had in connexion with the void, namely, the void is the same in all its parts, why then did God create the finite world in this part of the infinite void rather than in another? Crescas answers that

¹⁰⁰ *Cosari*, III, 49: כאשר תרהיק המחשבה והסברה העדר הרקות והקשות השכליות מחיבות זה.

¹⁰¹ See *Or Adonai*, p. 15a.

¹⁰² *Ibid*.

just because the void is the same in all its parts it is absurd to ask why God should have created the world in another part rather than in this.¹⁰³ His main charge, however, Crescas concentrates on Aristotle himself. He examines his arguments singly and discloses their weakness. We will follow the order of his treatment.

1. If void existed, says Aristotle, there would be no motion. For motion is either natural or forced; natural motion being that of a body moving *to* the place to which it has affinity, as an apple moving downwards, and forced motion being that of a body moving *away from* the place of its affinity, as when an apple moves upwards. But a void is *mitdammech haḥalakim*, the same in all its parts, no one of which can enjoy the special affinity of an object. Hence natural motion in a void is absurd. And since it is implied in forced motion the latter is also absurd. Moreover, imagine an arrow hurled from a bow-string; now ordinarily the arrow moves on by virtue of the fact that the air which has also received a violent attack from the bow-string becomes a propelling power for the arrow. Now in a void where such a propelling power is lacking, we should expect that no matter how much the string is strained, the arrow should powerlessly fall down, as soon as it leaves the string. Thus motion in any of its forms is impossible in a void, and hence the void cannot be conceived to exist. Thus, instead of maintaining that motion is impossible *without* empty space, the true idea is that motion is impossible *with* empty space.

To this Crescas replies: The fault of this argument is chiefly in failing to realize that the void is not considered by its adherents to be the *cause* of motion, but only the

¹⁰³ *Ibid.*, p. 70 a.

medium. The argument seeks to disprove the idea that the void is cause—an idea maintained by no one. Aristotle argues that the void cannot bear any special attraction to any body, and since that attraction is the basis of motion, the latter is inconceivable in a vacuum. But no one claimed that it does have any peculiar attraction. Gersonides has already remarked that the notions of 'upward' and 'downward' are not due to mere mathematical dimensions, but to the objects that may be up or down. The fire does not seek any mathematical dimensions above it, but the concave lunar surface. Thus it is not the void that exercises any attraction or repulsion, but the bodies in it. The earth attracts the apple, and there may be an intervening void, yet that does not hinder motion, but on the contrary helps it, serving as a free medium. Indeed, the whole Aristotelian position is questionable. *A medium is no requisite for motion*. It hinders it; the rarer the medium, the freer the movement. Light objects move upwards, and heavy objects move downwards, or rather—and here a very important physical theory occurs to his mind—*all bodies move downwards*, only, the lighter bodies are pressed upwards by heavier downward moving bodies. And all this goes on without necessitating a material medium which is really an obstacle and a hindrance for a moving body. It is the void which is the true medium for the free exercise of motion.¹⁰⁴

2. The second and third arguments of Aristotle are treated by Crescas simultaneously. Motion, speaking mathematically, is a function of two variables: the medium and the motive force. Let us see the medium-variable first. The velocity of a body is proportioned to the

¹⁰⁴ *Ibid.*, p. 14 a ff.

medium: the rarer the medium, the quicker the motion. If we could imagine a medium of an infinitely rare density, then, all other things being equal, the body would move in an infinitesimal time. But the void has altogether no density, hence a body will move therein in no time at all. But this is absurd, for the distance in which the body moves is divisible, it is a succession of points; and the moving body 'must take its time', it cannot come to the second point before it passes the first, and when it is on the second point, it is not yet on the third. Hence even this 'champion racer' must take cognizance in its movement of the relations of before and after, and consequently must take up some time after all. Therefore the void is an impossibility.

The impossibility of an absolutely timeless movement is further corroborated when we come to examine the second variable of motion, i.e. the motive force, which forms Aristotle's third argument. The velocity of a body is, all other things being equal, directly proportional to the propelling power: the stronger that power, the swifter the motion. This law holds true in the hurling of a weight upward in the air, as well as downwards in the water, and we should expect it to hold good also in the case of a vacuum. But in accordance with the law of the first variable, a body moves through a void under a given force in no time. Now double that force, and the velocity will have to be doubled too. But what can be quicker than timeless motion? Hence, Aristotle concludes, the void is an impossibility and an absurdity.¹⁰⁵

To these two arguments Crescas replies: A body that is impelled to move by a certain force acquires a certain

¹⁰⁵ p. 5 a.

'fundamental velocity'; that is to say, a fundamental capacity to move a certain distance within a certain time unimpeded by any medium like water or gas. When that body happens to meet a medium, its velocity is slackened of course. The denser the medium, the slower the movement. Remove the medium, and the body will resume its initial 'fundamental velocity'. Thus the law that the velocity of a body is inversely proportional to the density of the medium is not a true statement of fact. Represent it mathematically, and you have

$$\frac{V}{V'} = \frac{D'}{D}; \quad V' = \frac{DV}{D'}.$$

But the density of the void (D') equals zero, hence

$$V' = \frac{DV}{0} = \infty.$$

Thus the velocity of a body moving in a vacuum is infinite, which is absurd, as Aristotle himself has shown. But this whole mathematical formula is untenable. The true law is *that the slackening of the 'fundamental velocity' of a given body is directly proportional to the density of the medium.* Thus representing the slackened progress by S , we have

$$\frac{S}{S'} = \frac{D}{D'}; \quad S' = \frac{SD'}{D}; \quad \text{but } D' = 0, \quad \therefore S' = 0.$$

In other words, a body moving in a vacuum, not being impeded by any medium, will move according to its 'fundamental velocity'. It is just as unwise to argue that inasmuch as a body moves swifter in a light medium than in a dense, it will move in a void in no time at all, as it is to maintain that because a man that is less tired will move faster than a man that is more tired, a man that is not

tired at all will move altogether in no time. Both statements leave out of consideration the principle of the fundamental natural velocity.¹⁰⁶

3. The fourth argument of Aristotle is as follows: The void is conceived as mere tridimensionality, ready to receive material objects, the dimensions of the thing uniting with the dimensions of the void, and forming one. But how is it possible? How can two ells form one ell? And if it is possible in the case of matter and void, why should it be impossible in the case of matter and matter? We will thus have to suspend the law of impenetrability, for the reason why two bodies cannot occupy the same space at the same time, is not because they are black or warm or in any other way qualified, but because they have dimensions. And yet some assume that a body can penetrate a void which is spatiality itself. If then this were true, there should be an equal possibility of compressing two or more material bodies into one, and we should thus be enabled to compress the whole universe into a tiny insignificant speck. Thus the assumption of the void leads us into monstrous absurdities.¹⁰⁷

To this Crescas replied: Two things cannot occupy the same space in the same time, not because each one of them has its own dimensions, but because each one has *dimensional matter*. In other words, in order that a body should be impenetrable it must have two things combined: spatiality and corporeality. And just as unextended matter, if such a thing were conceivable, would not be impenetrable, so spatiality devoid of matter could not resist the intrusion of a material body. That is why an ell of matter and an ell of a void can so combine as to form one. Crescas

¹⁰⁶ *Ibid.*, p. 14 b.

¹⁰⁷ *Ibid.*, p. 5 a.

herewith also replies to Zeno's argument that if space were real, it would be in space; for all things real are in space, and so on *ad infinitum*. It is only material spatiality that occupies and monopolizes a certain space so as not to admit any other body to immigrate into its domain; pure spatiality has no policy to refuse immigration, on the contrary, it bids welcome to any object that seeks to settle within its borders. Hence the void does not strictly speaking 'occupy' space, and is always ready to be intruded as long as it has not been invested with corporeality.¹⁰⁸

Such were the refutations that Crescas hurled against the Aristotelian position. The reader will undoubtedly be impressed by the soundness of the argument, as well as by his turning his back on Aristotelian physical notions, and catching glimpses of the modern science of physics. We may nowadays repudiate the possibility of an absolute void and claim that there is an all-filling and all-penetrating ether, but the existence of ether is after all only a hypothesis. Empirically the void is by no means denied. It should also be noted that while the Mutakallimun postulated the existence of a void merely to suit their atomic system, Crescas who did not adopt the atomic standpoint takes a different course. He first disproves the seemingly convincing Aristotelian arguments, and having removed by sound reasoning the traditional prejudice, he shows that the void is attested by our daily experience. That is why *his* theory of the void, and not that of the Arabian theologians, forms a real contribution to the history of philosophy. Sometimes negative, destructive reasoning is more important than positive reasoning. To destroy the enemy is to win the battle. We should also mention in this connexion

¹⁰⁸ *Ibid.*, p. 14 b.

Crescas's discarding the Aristotelian notion that different elements strive for different places, that fire and air naturally tend upwards. Crescas reduced this variety of forces to one force of gravitation. All bodies are attracted downwards, only air being light is *pressed* upward by some heavier matter. 'Light' and 'heavy' are not different in quality, as Aristotle meant, but different in degree, the degree of attraction that the earth exercises from them.¹⁰⁹ This unification and centralization of forces rids us altogether of the Aristotelian illusion of different 'affinities' and 'natural places', notions which play a considerable part in the problem of place versus space. Thus these two theories of Crescas, the defence of the void and the unification of forces, are landmarks in the progress of Jewish thought.

Coming to Isaac Abrabanel, we are not a little disappointed. Instead of continuing with the development of the pure space problem along the lines of Crescas, he goes back to Aristotelianism. This does not mean that he did not read the *Light of God*. He not only read it, but was even so much infatuated with some parts of it that he incorporated them into his works and forgot to label their real authorship. Compare for example *Light of God*, p. 70, and Abrabanel's *Works of God*, IV, 3. But the plagiarist is not always the disciple. He thus returns to the old-time definition of space as 'the surrounding equal and separate surface'.¹¹⁰ He adopts the view of Averroes that space came into being with the creation of the material world,¹¹¹ that is to say, that there was no pre-existent empty space. He thus answers the question why God created matter in

¹⁰⁹ *Ibid.*, p. 9 a.

¹¹⁰ מַפְעֵלוֹת אֱלֹהִים, IV, 3. See above, note 87.

¹¹¹ *Ibid.*, II, 1.

this part of the void rather than another,—there was no pre-existent void altogether; and he cites a similar view of St. Thomas, ‘sage of the sages of the Gentiles’.¹¹² The reader will readily see the eclectic nature of his standpoint. Yet there is one passage in his work which deserves being quoted at length, serving as a fit conclusion to this chapter. It deals with the problem why the mind cannot think of finite space, of limits to extensity, why even in our speaking of an end to the dimensionality of the universe, we seem to imply a ‘beyond’. We have seen that Gersonides held this difficulty to be purely linguistic. Crescas on the other hand cited this as a proof for the infinity of space, just as Kant inferred from it that space is a necessity of thought. Abrabanel takes a view similar to that of Gersonides, but there is a strong note of modernity in his explanation. ‘It is impossible’, he says, ‘to conceive the beginning of time without a pre-existent time. Also the limitation of the material world is inconceivable without a beyond-existing place. But this difficulty of conceiving temporal or spatial finitude is purely mental, and does not disprove real finitude. It is in like manner hard to conceive of a thing coming into actual existence without thinking of a preceding potentiality; yet of course it does not mean that there was *actually* a pre-existent potentiality, but only an intellectual idea of such a potentiality. All this is a result of the fact that the phenomena perceived by our senses always have things beyond them in space and things before them in time, and that before these phenomena are actual they are potential; so that these relations of “before” and “beyond”, always present in our perception of things, have impressed themselves on our minds so deeply as to

¹¹² *Ibid.*, VI, 3.

be unable to conceive of things without those relations. But after a certain amount of reflexion the mind can correct this error arising from perception, and can rid itself of its acquired *habit*, and come to realize that reality is not absolutely conditioned by those relations.’¹¹³

This is how Abrabanel seeks to explain why space is seemingly a necessity of thought, so that the mind is unable to conceive bounds to the space of the universe. It arises from a ‘habit’ which the human mind contracted from its perceptual experience to seek a beyond for all things. Yet it takes only a certain amount of mental energy by way of reflexion to transcend this genetically acquired habit, and conceive of an absolute finitude of space. It is not a *necessity* of thought, but a *habit* of thought; and it is the business of a philosophical mind to shake it off.

But this leads us directly to our next problem concerning the infinity of space; and as the contents of this chapter do not require any recapitulation, we will pass on.

(*To be continued.*)

¹¹³ *Ibid.*, IV, 3.

THE MINOR IN JEWISH LAW

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CHAPTER IV. POWERS AND RIGHTS OF THE FATHER OVER THE MINOR

A. PROPERTY OF THE MINOR CHILDREN.

THE property inherited by children (as, for instance, from their mother) does not belong to their father. Nor do the gains obtained from such property belong to the father (Ketubbot 46 b).

The case is, however, different with acquired property. To what extent the minor enjoys the power of acquisition, when not interfered with by the rights of the father, will be discussed in another place. Here we will touch on it only to the extent to which it comes in conflict with the power of the father over the minor. According to Mishnic data, neither the son nor the daughter enjoy any power of acquisition independent of that of father. The common expression, which deprives the minor of this power is, 'for their hand (i.e. the minors') is like his hand (the father's)'. Neither the minor son nor the minor daughter can become the agent, by the order of the father, to acquire the alley for its other residents, in order that through the common possession of the alley its inhabitants may be allowed to carry things from one residence to the other. The reason given by the Mishnah is, because 'their hand are like his hand'.¹⁴² One cannot

¹⁴² Erub. VII, 6; Gem., *ibid.* 79; Git. 65 a.

give money as a gift to his minor son or minor daughter with which to redeem his tithes of the second year, in order that he may be exempt from the *Homes* (a fifth part of the value of the tithes which one is supposed to add on redeeming it). The reason given by the Mishnah is that 'their hand is like his hand'.¹⁴³ In both of these cases the children's actions of acquisition are invalid. This is the negative aspect of the principle that 'their hand is like his hand'. A positive aspect of it is the law which states that the found article of the minor belongs to his father.¹⁴⁴

In these three instances it is plainly seen that the minor can have no power of acquisition for himself while the father is alive, and that the latter is entitled to all the property acquired by the minor. This is fully warranted by the expression, 'their hand is like his hand'. It is not only the found article of the minor, but also all his earnings that go to the father. The found article of the minor is not the only instance, but an instance in which we see this right of the father realized. Furthermore, as far as these three Mishnic instances are concerned, no difference is made between the minor son and the minor daughter with regard to the power of acquisition.¹⁴⁵ These three laws of the Mishnah are, of course, a survival of the older Jewish

¹⁴³ Ma'aser Sheni IV, 4; Git. 65 a.

¹⁴⁴ B. M. I, 5; Gem., *ibid.* 12 a. The Mishnah does not mention here the maxim, 'their hand is like his hand'. But this is undoubtedly the underlying principle of the law of the found article. See Tos. Git. 64 b; B. M. 12 b.

¹⁴⁵ Otherwise, the father is seen to exercise more power over the daughter than over the son in the Mishnah. The Mishnah states, for instance, that the father has the power to give his daughter in marriage. But the father cannot exercise this power with regard to the son. In Biblical times, however, the father exercised this right even with regard to his son.

law, where the parental power was comparatively great.¹⁴⁶

Later law, however, has modified and limited the parental power. It first of all rendered complete the differentiation between the paternal power over the son and the paternal power over the daughter. In the case of the son, it seems that the property acquired by the minor which goes to the father is only that obtained by finding. The earnings of the minor son do not go to his father. Even the fact that the found article of the minor son should belong to his father, seemed strange to the Amoraim,¹⁴⁷ and consequently they tried to account for it.¹⁴⁸

According to Samuel, the found article belongs to the father, because the moment he picked up the object, the minor son thought of bringing it to his father. According to Johanan, the matter is altogether different. The found article belongs to the father in return for the support he gives to his children. Therefore, the father's right to

¹⁴⁶ The expression 'their hand is like his hand', describing the relation between the father and his minor children, is used also in describing the relation between the master and his Gentile slave (*Ma'aser Sheni* IV, 4; *Erub.* VII, 6). If the relation between the former is equal to the relation between the latter, then the old Jewish law considered the minor children as the chattel of the father.

¹⁴⁷ Accordingly, they ask the question, 'Why do they say that the found article of the minor belongs to the father?' Such a question cannot be raised at all when we look upon the minor from the point of view of the *Mishnah*, which describes his relation to his father by the words 'their hand is like his hand'.

¹⁴⁸ The reason given by Samuel and R. Johanan (*B. M.* 12b) can certainly not account for the general principle that 'their hand is like his hand'. *Tos.* realized the difficulty, and tried to explain it (*Tos. Git.* 64b). But it is not satisfactory. The best way to explain it is by the view adopted here.

the possession of the found article depends on whether he supports his children. When the children are supported by him, the found article belongs to the father even though the children are of age. But if they are not supported by the father, the found article belongs to the children, even though they are not of age.¹⁴⁹

The reason given by the Talmud for the father's right to the found article of the minor daughter, is the enmity that may be aroused in the father if the found article be not given to him. According to Rashi, the enmity that is feared here is the one that may result in withholding his support from his daughter.¹⁵⁰ According to Tosafot, it is feared that he may not, because of being deprived of the found article, procure a proper husband for his daughter.¹⁵¹

The earnings of the daughter belong to the father.¹⁵² The Talmud is silent about the earnings of the son. This is due to the fact that probably little was earned by the minor son, who had to attend to his studies. Should the minor son be capable of earning money, it would belong to the father, according to the earlier Jewish law.¹⁵³ In

¹⁴⁹ B. M. 12. The law is decided according to R. Johanan. See *ibid.* Tos.

¹⁵⁰ Ket. 47a. This seems to coincide with the view R. Johanan has concerning the found article of the son. Yet we must not say that, according to the interpretation of Rashi, the found article of the minor daughter does not belong to the father when she is not supported by the father, for it may be said that this Talmudic view, as interpreted by Rashi, gives its own reason only for the found article of a Na'arah, while it agrees with Samuel as far as the minor is concerned. See Tosaf., *ibid.*

¹⁵¹ *Ibid.*

¹⁵² Ket. 46b, 47a. The Talmud tries to give various reasons for this law. But no reasons should be necessary, when we accept the principle that 'their hand is like his hand'.

¹⁵³ The reason given by the Talmud (*ibid.*) for the rights of the father

later Jewish law, the only right the father exercises over his minor son is that of the found article. All other rights are enjoyed by the father over the minor daughter.

B. GIVING THE MINOR DAUGHTER IN MARRIAGE.

The father has the exclusive right of giving his minor daughter in marriage.¹⁵⁴ Not only has he the power of giving his daughter in marriage without her consent, but he is, as it were, the real party with whom the marriage is contracted. The father is not an agent acting for his daughter, for then the marriage would be void, just as any other marriage of a minor is void. Besides, the father cannot act in the capacity of an agent for his minor daughter, since the minor has no power to appoint an agent. The marriage of the minor daughter contracted by the father is a real marriage, and Biblically valid. This is so, because the second party to the marriage contract is not the minor daughter but the father who is a person possessing legal powers.

The marriage contracted by the minor daughter against the consent of the father is void, not only because of the legal incapacity due to her minority, but also because she exercises a right which does not belong to her. According to Resh Lakish, however, there is an opinion which holds that a *na'arah* can contract her own marriage.¹⁵⁵

According to the Palestinian Talmud even Resh Lakish admits that all agree that the *na'arah* cannot actually enter into the marriage relation¹⁵⁶ without the consent of the father. The opinions that the betrothal or nuptials of the daughter to the service of his daughter do not hold good for the right of the father to the service of the son.

¹⁵⁴ Ket. 46b; Kid. 41a.

¹⁵⁵ Kid. 43b.

¹⁵⁶ Jewish law distinguishes between the betrothal or nuptials and marriage proper; the former consisting of delivering into the bride's hand

father. For this act removes her completely from the father's power and makes him lose her service, and even though she is qualified to receive the instrument of marriage (the money or marriage certificate) she certainly cannot deprive her father of his other rights.

There is, however, a means by which she can receive her instrument of marriage, and that is by becoming the father's agent. In this case, also, the father is really the second party to the contract, and she acts only, just as any other stranger might act in the capacity of the father's agent. Thus, while she is the person, for whom in reality the marriage is contracted, yet in the part that she takes in the performance of this contract, she is a total stranger. Such are the peculiarities of law.¹⁵⁷

When the daughter is to act as the agent of the father, the testimony of witnesses is necessary to prove that she was appointed by the father for that purpose.¹⁵⁸ Yet when it is known that the father intends to give her in marriage and makes preparations for the wedding, no witnesses are necessary for that purpose.¹⁵⁹

Many post-Talmudic scholars have, however, objected to the law allowing the minor daughter to act as an agent for the father. A compromise was therefore made. The father was told to hold the hand of the daughter, when she received the instrument of marriage, or to stand near

money or the marriage certificate, while the latter consists in taking her home. Betrothal carries all the legal consequences of marriage proper, with the exception of that which may be of a pecuniary character.

¹⁵⁷ Kid. 19a. Yet that a minor should become an agent and perform the recipient act of the marriage performance is a matter that called forth comment from post-Talmudic scholars. Their explanations are hardly satisfactory (see Tosef., *ibid.*).

¹⁵⁸ Eben ha-Ezer 37, 7, note of Isserles.

¹⁵⁹ *Ibid.*

her at that time. In this way the father was considered as the recipient of the marriage instrument.¹⁶⁰

According to Jewish law, a person may act as agent in the interest of his principal, even though the principal has not expressly appointed him. Hence the marriage contracted with the minor daughter, even though the father did not appoint her expressly as an agent, is valid, provided there are indications that he would have consented to it, had he been informed of it before. If he protests afterwards, the marriage is void. Even she herself can invalidate, according to law, such a marriage, before the father has given his consent to it.¹⁶¹ Controversies have repeatedly taken place among scholars, as to what is the law, in case there are no indications to prove that the father is in favour of it. Samuel decides that the marriage is to be dissolved by both, a bill of divorce and *Mi'un*. A bill of divorce is needed, because we suspect that the father may have consented to it. *Mi'un* is necessary, in order to remove the impression from people's minds that the marriage was valid, an impression that may be produced by the fact that a bill of divorce was necessary to absolve her from the marriage ties, and that may, therefore, result in serious consequences.¹⁶² Ulla says that even *Mi'un* is not necessary. According to one tradition, Ulla maintains this opinion even in case proposals were made to the father previous to the marriage. According to another tradition, Ulla agrees with Samuel in the previous case.¹⁶³

In practical life, however, the Rabbis considered every trivial circumstance connected with the marriage in order to determine whether the father consented. Rabina

¹⁶⁰ *Ibid.*

¹⁶¹ *Kid.* 45 a.

¹⁶² *Kid.* 44 b.

¹⁶³ *Ibid.*, see *Tos.*, *ibid.* See *Eben ha-Ezer* 37, 11.

invalidated a marriage, because the bridegroom presented a bundle of herbs as the instrument of marriage. This undignified element in the marriage act, he declares, surely displeased the father, and caused him not to consent to the marriage.¹⁶⁴ One case came up to Abaye in which, prior to the marriage, the mother and the father had a dispute as to whether the minor daughter shall marry one of his or her relatives. Finally the father yielded, and they began to make preparations for the wedding. While they were enjoying themselves at the feast, one of the husband's relatives secretly performed the marriage act with the minor daughter. Abaye annulled the marriage, on the ground that the father cannot have consented to it, since such a consent would have proven contrary to the promise he made his wife.

When the betrothal took place with the consent of the father, but the marriage proper without his consent, then, if the father is present at the marriage, and is silent, Huna takes his silence as a sign of indignation, and Jeremiah as a sign of acquiescence.¹⁶⁵ If, however, both the betrothal and the marriage took place without his consent, under the same conditions, Huna maintains that the marriage is valid, for his silence in this case shows that he gave up his right of giving his daughter in marriage. The minor daughter has then the status of the minor female orphan whose marriage, as we shall have occasion to point out later, is rabbinically valid.¹⁶⁶

Another controversy among Rabbis was occasioned by the marriage of the minor daughter whose father is alive, but is away from home in some distant land, so that absence is expected to be a very long one, or his return

¹⁶⁴ Kid. 45 b.

¹⁶⁵ *Ibid.*

¹⁶⁶ Kid. 45 b, 46 a.

doubtful altogether. The Rabbis gave the power to the mother and the brother of the orphaned minor daughter to give her in marriage, in order that she may not be seduced. R. Ahai Gaon maintains that the case of the minor daughter whose father is away in some distant place, is similar to the case of the minor orphan, and, therefore, the marriage of the former should also be rabbinically valid.¹⁶⁷ The same view is expressed in the Halakot Gedolot, and is corroborated by R. Tam.¹⁶⁸ Yet many scholars opposed it, on the ground that there is the possibility that the father may give her in marriage to some other man in the place where he lives.¹⁶⁹

So much for the legal aspect of the marriage of the minor daughters. From the ethical point of view, Rab and, according to another tradition, R. Eleazar prohibits a man from giving his minor daughter in marriage, until she becomes mature and has intelligence enough to make a proper choice.¹⁷⁰ Yet different circumstances caused people to disregard this moral interdiction. The Tosafot in justification of this disregard say: 'That there is now prevalent among us the custom of giving the minor daughter in marriage, is due to the fact that the exile is becoming more and more pressing on us, so that although a man may, while the daughter is a minor, afford to give a dowry, he may not be able to give it later (when the daughter will have grown up), and she may thus remain unmarried for ever'.¹⁷¹ More information about the post-Talmudic disputes concerning the propriety of the marriage of the minor daughter is given by Löw, *Die Lebensalter*, 169-75.

¹⁶⁷ Tos., *ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.* See Eben ha-Ezer 37, 14.

¹⁷⁰ Kid. 41 a.

¹⁷¹ *Ibid.*

C. DIVORCE OF THE MINOR DAUGHTER.

After the marriage proper, the father cannot receive the bill of divorce for the minor daughter.¹⁷² The complete act of marriage, as we shall see later, emancipates the minor from the power of the father.

The case is, however, different concerning the reception of the bill of divorce, when she is only betrothed, since the betrothal does not remove her from the power of the father.¹⁷³ According to R. Judah, the father alone has the exclusive power to receive her bill of divorce, until she becomes of full age. The opinion of the majority, however, is that in case of the betrothed *na'arah*, either the father or she herself can receive the bill of divorce.¹⁷⁴

It is doubtful whether the term נערה in the phrase נערה המאורסה is used in its strict technical sense, referring only to the period between the age of twelve and twelve and six months.¹⁷⁵ This uncertainty resulted in a great

¹⁷² Kid. 10 a ; Tos. ; Yer. Git. VI, 2. From the Yer. it seems that if she does not have intelligence enough to watch the bill of divorce, the father has the power to receive it even after marriage proper ; and yet the passage beginning with the words נִסַּח בֵּין הִיא וּבֵין אָבִיהָ (Yer., *ibid.*) is difficult, even though we take it, in agreement with the commentators, to deal with a minor that is not mentally mature. The question that inevitably arises is, why should she then be able to receive the bill ? If her lack of mental maturity interferes at all, then its interference should result, not in the addition of a second power granted to the father, but in her own disqualification for that purpose. It is also against the Talmud Babli (Git. 64 b) which, according to the interpretation of both Rashi and of R. Tam, maintains that the mentally premature minor cannot receive her bill of divorce. It may be true that the Babli speaks of receiving the bill after the betrothal. But it does not seem that there is any difference between the betrothal and the marriage proper in this respect.

¹⁷³ Git. 46 b ; Kid. 3 b, 10 a. This point will be discussed later in detail.

¹⁷⁴ Git. 54 b ; Kib. 43 b.

¹⁷⁵ As far as the term *na'arah* in the Bible is concerned, the Rabbis admitted that it is a general term for a minor, with the exception of one case (Ket. 44 b).

controversy among post-Talmudic authorities. According to one opinion, represented mainly by the reading of Rashi in *Gittin* 64 b, the word *na'arah* is used exclusively in its technical sense, and all, therefore, agree that the daughter under the age of twelve cannot receive the bill of divorce while the father is alive.¹⁷⁶ Isaac ben Meir opposes this view, and maintains that by the term *na'arah* the Mishnah does not exclude the minor from the right of receiving the bill of divorce.

In receiving the bill of divorce as well as in receiving the instrument of marriage, the father does not act under the status of the agent of his minor daughter, but is, as it were, the real party of the second part, to whom the divorce bill is presented. This is the reason why the divorce is valid, if the father receives the bill, though according to Rabbi Judah, it would be invalid under all circumstances, had the bill been received by the daughter, or according to the other view, it would be invalid, had she received it without possessing enough mental maturity.¹⁷⁷ Marriage, as well as divorce, of minors is of merely theoretical importance to us now. But, up to a short time ago, both were matters of practical life, and the Rabbis had to render practical decisions in many a case. Fuller details concerning the divorce of the minor in post-Talmudic times can be found in Löw, *Die Lebensalter*, 175-6.

¹⁷⁶ This view is also shared by Maim., *Yad*, *Gerush*, II, 18, and by Alfasi (commentary on *Git.*, *ibid.*).

¹⁷⁷ *Git.* 64 b. This is in agreement with the passage *כל שאינו יודע לשמור*, &c. as interpreted by Tos. According to Rashi, if she does not possess the ability of watching her bill of divorce, she cannot be divorced, even through the act of the father. According to our conception of the father's power, the view of Rashi in this case is wrong, since the father's action in this divorce performance is independent of the minor daughter.

D. INJURIES TO MINOR CHILDREN.

Nothing is said in the Mishnah as to whether compensation for injuries inflicted on minor children goes to the father. There is, however, a passage in the Tosefta dealing with these points, but the text is so corrupt that nothing definite can be inferred from it as to what was the earlier law.¹⁷⁸ Two Baraitot are mentioned in the Talmud dealing with these questions, but they also contradict each other, and offer many difficulties. The explanations given by the Amoraim of these Baraitot are hardly satisfactory.¹⁷⁹ Therefore, we will limit ourselves to the definite statements of the Amoraim.¹⁸⁰

Recovery for an injury, according to Jewish law, consists in compensation for the decrease in the value of the person, for the pain which the injured person suffers, for expense of healing the bruise or the wound, for loss of work during the time of illness, and for the humiliation which the injured person sustains. The money for the decrease in the value of the person is to amount to the difference between what he would obtain if he would sell

¹⁷⁸ The following is the reading of Tosefta, B. K. IX, 8, 9, 10.

החובל (a) בבנו ובבתו הגדולים חייב (b) ושל בתו נותנין לה מיד (c) ושל בנו עושה לו בהן סגולה (d) בבניו ובנותיו קטנים של עצמו פטור מן הכל (e) החובל בבתו קטנה נוקה שלה והשאר הרי זה פטור (f) חבלו בה אחרים נוקה שלה והשאר עושה לו בהן סגולה (g) החובל בבנו קטן חייב בכל (h) בעבדו ושפחתו הכנענים חייב בכל ופטור מן השבת.

This Tosefta is corrupt, and must also contain different passages from opposing schools. (c) contradicts either (a) or (d); (e) contradicts (d); (g) contradicts (d); (h) contradicts the Mishnah in B. K. VIII, 4.

¹⁷⁹ See B. K. 87 b.

¹⁸⁰ We may safely assert that in the earlier mishnic law where, as we have shown before, the principle was 'that their hand is like his hand', the remuneration for injuries went to the father.

himself as a slave after he has been injured, and before he was injured; the loss of service amounts to what he would earn as a watchman, which he could do even after his body had been injured, provided he was not confined to bed. Now, all agree that the payments for the pain, for the healing, and for the disgrace do not belong to the father.¹⁸¹ The reason of it is evident. The injuries comprised in the last three headings are injuries not to the father,¹⁸² but to the children, and the father not having any right to injure his children,¹⁸³ cannot have this right realized in the injuries the children have received from others. For the same reason, if the father inflicts injuries on his own children, they can recover from him for these three forms of damage.¹⁸⁴

There is, however, a difference of opinion concerning compensation for the decrease in the value of the person, and the loss of service. R. Johanan says that they belong to the father.¹⁸⁵ Rab made a general statement to the negative, but did not specify whether his negative attitude referred to both or one of the fines. Abaye declares, therefore, that Rab admits that a fine for loss of service belongs to the father, because the father is

¹⁸¹ See B. K. 87 b.

¹⁸² It is evident that the fines for the decrease in the value of the person and for the healing are injuries to the child. The fine for humiliation depends on whether we understand by it the humiliation sustained by the injured individual, or by the whole family. The Talmud maintains that it is possible it has the former meaning (B. K. 86 b).

¹⁸³ B. K. 87 a.

¹⁸⁴ And yet some post-Talmudic authorities maintain that if the father supports the children, he is exempt from any payment (Hoshen ha-Mishpat 424. 6, note of Isserles).

¹⁸⁵ B. K. 87 b. It seems, however, that R. Johanan holds that even the remuneration for pain, healing, and disgrace goes to the father.

entitled to the service of his minor daughter, and the loss of service caused by the injury is a direct injury to the father. A post-Talmudic opinion maintains that, even according to Rab, the payment for the decrease in the value of the person belongs to her only in case the injury lasts until after she attains her majority, but if the injury disappears before she becomes of full age, this fine belongs to the father.¹⁸⁶

According to Abaye, then, all agree that a fine for the loss of service belongs to the father, yet if there are indications that the father does not insist upon his financial claims towards his children, the fine for the loss of service belongs to his daughter, for we take it for granted that he would not desire to benefit by the injury inflicted upon his daughter. Such an attitude of the father is taken for granted, when his magnanimity is shown in his willingness to support his children.¹⁸⁷ If, however, the father himself injures his children, he does not pay them for the loss of service, for while he may not be inclined to increase

¹⁸⁶ Tos., B. K. 87b. To understand fully this distinction, we must say a few words concerning the nature of the recovery for the decrease of the value of the person. While the power of the father to sell his daughter as a slave became, after the destruction of the temple, a matter of mere theory, yet it served the Rabbis as a practical standard for deciding the nature of the rights the father possesses with regard to his daughter. The recovery for the decrease in value of the person in this case amounts to the difference between the amount she would obtain, if she were sold as a slave, after she has been injured, and the amount she would obtain before she was injured. Now, if the bodily damage is only temporary, and she will recover from it before she becomes of full age, this fine should belong to the father, as he has the power, theoretically, to sell her as a slave. If, however, the damage is permanent, the fine should belong to her, as the father does not have the right to sell her permanently as a slave.

¹⁸⁷ B. K. 97b. This fine, therefore, belongs to the father when she is not supported by him (*ibid.*).

his possessions from what he may get for injuries inflicted on his children by others, he would not wish to diminish his possessions by paying to his children for the injuries he has inflicted upon them.¹⁸⁸

The data in the last paragraph are derived from the discussions of the Amoraim, who were attempting to reconcile the two conflicting Baraitot referred to at the beginning of this section. But, as we have mentioned before, their interpretations are not satisfactory. In the first place, the Baraitot do not deal with loss of service, but with compensation for injuries in general. Then the difference, which the Talmud here makes between the cases in which children are and those in which they are not supported by their father, leads to directly opposite results elsewhere (see B. M. 12). Again, nothing in the Amoraic discussions explains why the father should not give compensation for the injury he inflicts on his son.¹⁸⁹ If the father's rights to the fine for the daughter's loss of service is based on the father's rights to the service of his daughter, then the fine for the son's loss of service should not belong to the father, as the latter has no rights to the service of the former. Finally, there is no reason why adult children should not recover from their father,¹⁹⁰ if he happens to be the wrongdoer, since the father has certainly no right to the service of his adult children.

This is, however, the result of the attempt to reconcile two Baraitot which are contradictory, and to read into them meanings which are quite foreign to their original

¹⁸⁸ *Ibid.* See Tos., *ibid.*

¹⁸⁹ The Baraita says **בבנינו ובנותיו שלו פטור**. The Talmud takes the Baraita to speak even of children of full age. It ignores altogether the need to account for the father's right to the remuneration for the son's interest.

¹⁹⁰ See previous note.

intent. They are closely allied to the Tosefta referred to before, and must have had the same origin.¹⁹¹ No matter how much we try to reconcile these two Baraitot, it is quite impossible to reconcile the conflicting laws in the same passage of the Tosefta.

E. SEDUCTION OR DEBAUCHING THE MINOR DAUGHTER.

The Bible distinguishes between two forms of debauching women, (1) violence, (2) and seduction. In case of violence, the wrongdoer is to marry the injured female, whom he can never divorce, and has to pay fifty shekels to the father.¹⁹² In the case of seduction, he is not forced to marry her. If he marries her, he does not have to pay the fifty shekels.¹⁹³

In the Mishnah, the fine is increased. In case of seduction, the Mishnah says the wrongdoer is to pay for the disgrace which she sustains, for the decrease in the value of the person, and a fixed fine¹⁹⁴ (the Biblical fifty shekels). In case of violence, he has also to pay for the pain she suffers.¹⁹⁵

The payment of a fixed fine is a feature pertaining to seduction.¹⁹⁶ The other fines are not limited to the

¹⁹¹ See above, chapter 4, note 38.

¹⁹² Deut. 22, 28, 29.

¹⁹³ Exod. 20. 15.

¹⁹⁴ The Talmud discerns in the Bible two classes of fines: the amount of one is fixed, irrespective of the amount of the loss caused by the injury; while the other is variable, and proportional to the damage. The fifty shekels for seduction belongs to the former class.

¹⁹⁵ Ket. 39 a.

¹⁹⁶ The fine of the fifty shekels is due to the fact that the destruction of the chastity of the child rendered it difficult for the father to get a husband for her, and so caused him a loss of fifty shekels, which he would get as Mohar (the purchase price) from the husband.

offence of seduction. They are the regular fines which one has to pay when he injures the body of another person.¹⁹⁷ The Talmud tries to find a basis for these additional Mishnic fines.¹⁹⁸ But no special basis is necessary. Seduction is merely a certain kind of injury, causing the same sort of damages as those caused by any other bodily injury. If it causes loss of service, and causes the expenses for curing to be incurred, recovery would certainly be had for these damages too. Thus there is nothing peculiar about the payments of the three fines mentioned before in connexion with the injury of seduction.

These fines are stated expressly in the Mishnah to belong to the father.¹⁹⁹ The fixed fine of the Bible also belongs to the father. If what we said in the last paragraph is true, and the payments for the pain, the disgrace, and the decrease in the value of the person, in case of seduction, are the regular fines of an injury, then we may infer from the case of seduction, that the fines of any other injuries to the daughter, belonged, according to Mishnaic law, to the father, or that the law of seduction is merely a survival of an early general law maintaining that the father has a right to the recovery for the injuries to the daughter. The Babylonian Talmud, as can be seen from our discussion in the previous section, ignores altogether such a relation between seduction and any other injuries. In the Palestinian Talmud a conscious distinction is proposed between the father's right to the recovery for seduction, and his right to the recovery for any other injury.²⁰⁰ Consequently, the Amoraim tried to find a reason for the father's right to the fines for seduction.²⁰¹

¹⁹⁷ See previous section.

¹⁹⁸ Ket. 40 b.

¹⁹⁹ Ket. IV, 1.

²⁰⁰ Yer. Ket. IV, 1. See *ibid.*, Pene Mosheh.

²⁰¹ Ket. 40 b.

The action in case of seduction is mainly based on the defiling of the daughter's chastity. If, therefore, her chastity has been once defiled, no action can be maintained by the father against the wrongdoer (Ketubbot 3. 1). The same is true if her innocence has been once suspected.²⁰² According to one view, the laws of seduction are to be applied only when she is a *na'arah*, i.e. during the six months between her twelfth and twelfth and a half year.²⁰³ All agree that when she attains her majority no action can be maintained against the wrongdoer, even by the daughter herself.²⁰⁴

With the cessation of regular ordination, justice was administered upon the theory that unordained judges act only as the agents or the representatives of ordained judges. This principle holds good, however, neither in cases involving merely the payment of a fixed fine, nor in matters of rare occurrence, nor in matters which are not based on a direct loss of money.²⁰⁵ Since seduction belongs to one of the cases mentioned in the last three categories, it cannot, therefore, come under the jurisdiction of unordained judges.²⁰⁶ Hence the laws relating to seduction were not in force in Babylonia. But the freedom from punishment left young females unprotected. Stringent measures were also called for by other matters that could not come under the jurisdiction of unordained judges. As a result, the Geonim later enacted that the wrongdoer be put under a ban, if he refused, in some way or other to give 'satis-

²⁰² Ket. 63 b.

²⁰³ Ket. III, 7. This is certainly out of harmony with practical life, and is in opposition to the more practical earlier law.

²⁰⁴ Ket. 29, 40 b. That no action can be legally maintained for seducing a female after she reached her twelfth and a half year is also rather peculiar.

²⁰⁵ B. K. 84 b.

²⁰⁶ See *ibid.*, Alfasi and Rashi.

faction to the injured person.²⁰⁷ Thus, the young female was again placed under the protection of the law.

F. ANNULLING THE VOWS OF THE DAUGHTER.

The Bible invested the father with the power to annul the vows of his daughter, which would, otherwise, be religiously binding on her. This annulment is valid only when it takes place on the same day, when the information of the daughter's vow reaches the father. Otherwise, his silence on this day is taken as a sign that he approves of the vow, and cannot, therefore, invalidate it later.

Later law declares that the vows of the betrothed minor daughter can be invalidated only by the joint participation in the annulment by the father and the bridegroom. The annulment of the one without the annulment of the other does not invalidate the vow.²⁰⁸

According to Bet Shammai, the annulment of each invalidates one complete half vow, without affecting the slightest degree the other half vow. According to Bet Hillel the annulment of each invalidates the whole vow to some extent. A practical difference might arise in the

²⁰⁷ *Ibid.* See also Tur Eb. Haez. 177.

²⁰⁸ Ned. X, 1. The Talmud tries to find a basis for this law. Its Biblical interpretation, however, is very inadequate. Yet it may have had a logical origin. The betrothal does not, as will be seen later, emancipate her from the power of the father. Vows constitute the only case where the power of the father over the daughter is found to be diminished in any way. On the other hand, the betrothal brings her legally to a great extent into the matrimonial relationship with the person who marries her, and whom the Bible invests with the power of annulling her vows when she becomes his wife. The natural result would then be that the betrothed minor daughter should be subject to the powers of both at the same time, the father and bridegroom. The power of the bridegroom is an additional one to that of the father.

following case. Suppose the food from which she vowed to abstain is in quantity equivalent to two olives (an olive is the quantity of forbidden food that must be eaten in order to incur corporal punishment), and only one gave his annulment. According to Bet Shammai, this annulment invalidated the vow only with reference to the amount of one olive leaving the vow with regard to the other half in its complete validity. The eating then of the whole amount would involve the infliction of corporal punishment. According to Bet Hillel the whole vow became partially invalidated. Thus, the amount of olive left is not sufficient to sustain the complete binding power of the vow. The eating, therefore, of the whole amount is the commission of a transgression which does not involve corporal punishment.²⁰⁹

The power which the father has in annulling the vows of the betrothed daughter is greater than the power of the bridegroom. The power of the bridegroom is transmitted to the father after the latter's death. Therefore, the father can annul the vow which the daughter took before the bridegroom's death, if there are not data to show that the husband in any way approved of the vow.²¹⁰ But the power of the father cannot be transferred, after his death, to the bridegroom, and, therefore, the bridegroom cannot annul the vow which the daughter took previous to the father's death. Nay more, the husband's annulment is ineffective in such a case, even though the father offered his share in annulling the vow before his death.²¹¹

²⁰⁹ Ned. 68a.

²¹⁰ Tosefta, Ned. IV, 8; Gem., *ibid.* 68.

²¹¹ Tosefta, *ibid.* 3; Gem., *ibid.*

G. EMANCIPATION OF THE DAUGHTER FROM THE POWER OF THE FATHER.

The daughter is released or emancipated from the father's power, (1) when she attains her majority, (2) when she marries, (3) and when her father dies.

(1) *Attaining her Majority.*

The daughter becomes partially emancipated from the father's power the moment she shows the presence of signs of puberty, which appear usually at the age of twelve. She attains at this age a semi-state of majority, and is called *na'arah*. She is emancipated from her master at that age, if her father sold her as a slave while she was a minor, and she cannot from now on be sold any more as a slave.²¹² From now on, she can also receive her own bill of divorce,²¹³ and according to some, also her own instrument of marriage.²¹⁴ In all other respects, the father exercises full power over her until she reaches her twelfth year and a half, when she becomes of full age, and is legally entirely emancipated from the father's power.

(2) *Marriage.*

The betrothal itself deprives the father of some of his rights. After the betrothal, he loses the power of alone annulling the vows of the daughter.²¹⁵ In case of seduction, the fixed fine does not belong to him any longer.²¹⁶ According to Rabbi Jose, there is no recovery whatever of a fixed

²¹² Kid. 14 b.

²¹³ Git. 64 b.

²¹⁴ Kid. 43 b.

²¹⁵ Ned. X, 1.

²¹⁶ Ket. III, 3; Gem., *ibid.* 38. This case of seduction is spoken of as taking place after she is divorced from her bridegroom. Otherwise, a heavier punishment is inflicted upon the offender, and then there is no fixed fine.

fine, if the daughter has once been betrothed. It is true that, according to this opinion, the loss of the father's claim to this fine does not mean that the betrothal caused a loss of a parental right, but that the fine is eliminated by certain regulations governing the case of seduction. But according to Rabbi Akiba, the fixed fine belongs to the daughter herself, which certainly means a loss of a right on the part of the father.²¹⁷

From the last two facts, it would seem that the betrothal brings with it partial emancipation for the daughter. The Talmud says expressly that this is indicated by the father's loss of his power of alone annulling the vows.²¹⁸ Yet it does not necessarily follow. The incapability of the father to annul the vows of his betrothed daughter need not be the result of a reduction of his parental power, but the creation of an additional power of the bridegroom, to which the daughter becomes subjected.²¹⁹ In the case of the fixed fine, Rabbi Jose and Rabbi Akiba seem to base their opinions on different interpretations of a certain Biblical verse, which apparently has no bearing on the question of the emancipation of the daughter.

With the exception of the loss of these two rights, the father exercises full power over the betrothed minor daughter. When she is divorced, the amount of the Ketubbah belongs to the father.²²⁰ He has also the power to receive her bill of divorce.²²¹ According to one post-Talmudic interpretation of the view of the Mishnah (Gitṭin 6. 2), the betrothed daughter can also receive her

²¹⁷ *Ibid.*

²¹⁸ Ket. 39 a.

²¹⁹ See note 208.

²²⁰ Ket. 43 b.

²²¹ Git. VI, 2; Ket. 40 b. All commentators agree that the passage in Ket. refers to the divorce of the betrothed.

bill of divorce, even when she is under twelve. But this view does not necessarily imply a reduction in the power of the father. It is probable that she needs her father's consent to it, and the Mishnah merely tells us that she possesses the legal power to receive the bill.

Whatever may be the view with regard to the betrothal, all agree that the marriage proper completely emancipates the minor daughter from the power of the father.²²² She is then called 'an orphan while the father is living'. Like an orphan she is no longer controlled by her father. If she is divorced while she is yet a minor, she is no longer subjected to the power of the father.²²³

(3) *Death of the Father.*

The daughter becomes emancipated from the power of the father by the latter's death. Therefore, the rights of the father with regard to his minor daughter are not transferred to his sons after his death. The minor daughters are to be supported from the property inherited by the minor brothers, and yet neither the service nor the earnings of the former belong to the latter.²²⁴

²²² Ned. X, 6 ; Gem., *ibid.* 89.

²²³ *Ibid.*

²²⁴ Ket. 43 a.

(*To be continued.*)

JEWS AND AUSTRIAN FINANCE*

Samuel Oppenheimer und sein Kreis. By MAX GRUNWALD.
Leipzig, 1913. pp. xii + 358.

THIS is a book that will gladden Prof. Sombart's heart, for it shows the important influence that a certain number of 'Hofjuden', connected by family or business with Samuel Oppenheimer, had upon the Austrian finances at the end of the seventeenth century, and for the first half of the eighteenth century. They were mainly centred at Vienna, though Jews had been expelled from the imperial city as recently as 1670. A favoured number, however, including Oppenheimer, were allowed to return and live there with a special *Schutzbrief*, which freed them from all taxes except the special contributions made directly to the treasury. This especial privilege was granted them owing to the experience the Austrian treasury had gained of their usefulness in obtaining money. Before the expulsion in 1670 they could be depended upon to supply 50 or 100,000 gulden at a day's notice, whereas after the expulsion the court could not get ten or fifteen thousand gulden after a week's delay. At that time there were 477 families scattered throughout fifty-nine localities in Austria, and merely for protection they brought in an income of over 50,000 florins. It was reckoned that their expulsion cost the state 80,000 florins a year, and the various lords of the land, under whose protection they resided, another 20,000. It was not, therefore, surprising that individuals were allowed to drift back almost immediately after the expulsion; and we find Oppenheimer the first of these applying for repayment of moneys due to him for supplies to the army in 1672, only two years later than the expulsion. Ten years later he undertook to provision the whole of the Austrian army, and made all the arrangements for the siege of Ofen in 1686. His

* These reviews were put in type after the lamented death of Dr. Joseph Jacobs and could not have the advantage of his revision. [Editor.]

advances had reached 1,200,000 florins by the end of 1688, by which time he had acquired a practical monopoly of the fiscal policy of Austria, at least as regards military operations, providing the troops with clothing, weapons, food, transport, train, siege, and bridge materials, as well as hospitals and even pensions and decorations for the officers. He was practically the founder of the Austrian marine, sending in the same year, 1688, one hundred ships to Belgrade, and making a loan of 60,000 florins without any interest for that purpose. His operations extended through Austria, the west and south of Germany, Hungary, Transylvania, and Servia, and even to Switzerland and Italy. He got powder from Holland, Poland, and Russia; saltpetre from Bohemia, Silesia, and Hungary; weapons from Styria and Carinthia; linen from Holland; wool from Bohemia, horses and rafts from Salzburg and Bavaria; corn from Bamberg, Mayence, and Treves; wine from the Rhine and Moselle; brandy from Moravia.

His agents and correspondents were scattered through forty-five places, from Amsterdam to Italy, from Brussels to Nuremberg, from Breslau to Philippsburg, from Prague to Berlin and Frankfort. Instead of direct profits, Oppenheimer often claimed various privileges, like free transport, priority among state creditors, monopoly of powder manufacture and the like. He provided the court with jewels, wine, spices, liveries, forage, and arranged for any special undertaking like entertaining princes, pensions to generals or presents to ambassadors. Oppenheimer hoped by this means to keep his place against competition of other commissaries, often including members of the high nobility. He was enabled to do this solely through his credit, which was often supported by that of his protector Prince Ludwig. By November 1695 he had supplied 5,159,441 florins, and had only received back 2,783,600. Payments were made mainly through setting aside the various taxes like the military, Turkish, and Jewish tax of Bohemia, the brewery tax of Silesia, the customs of Linz, Vienna, as well as the salt and mint monopolies of the latter. Even the imperial contributions were put aside for this purpose.

By 1700 even these were insufficient to cover the debt of three millions owed to Oppenheimer. At times even worn-out horses, unused uniforms, confiscated contraband and the like were delivered in payment. Notwithstanding all this he was not allowed to have a prayer-room in his own house, though he had founded a synagogue in Padua. He charged six per cent. with addition of a half to three and one-half per cent. 'provision', and three and one-half to five per cent. agio; but interest was accumulated upon interest. Debts to him rose from 52,600 florins in 1685 to 700,000 in 1692; and in 1695 he was owed over three and a half millions, which had only been reduced to three millions by 1701. He supplied for the Italian and Imperial War eight million florins, and kept the state credit for over ten years.

There was, however, some popular outcry against putting the fate of an empire into the hands of a Jew, which led to a tumult on July 21, 1700, in the Peasants' Market where Oppenheimer had dwelt. His house was attacked and entered, and damage done to the extent of 100,000 florins. At that time the court owed him seven million florins. Yet in 1701 he lent three and a third millions. Oppenheimer himself died in 1703.

All this work was undertaken in the midst of a mass of lawsuits against him, notwithstanding which he was entrusted with the money of many Christians, even spiritual nobles. He helped to ransom the Jews taken at Ofen, 1686, and helped in the production of many books, including Gans, *Zemach David*, in Yiddish, Frankfort, 1689. Prince Eugene used to send him Hebrew manuscripts and books. He helped to prevent the appearance of Eisenmenger's malicious books. He was called 'imperial factor' 1674, 'Oberfaktor' 1699, and 'Oberkriegsfaktor' from 1701. With his death his firm failed and the Austrian finances fell into disorder. The claims of Oppenheimer's son on the Imperial treasury was supported by Elector George of Hanover (afterwards George I of England), Prince George of Brunswick, and the Elector of Treves.

Nor did the assistance of Jewish capital to Austrian finance

cease with Oppenheimer's death. Dr. Grunwald reckons that, from 1698 to 1739, Wertheimer, Sinzheim, D'Aguilar, Hirschl, Schlesinger, Spitz, and Oppenheimer's son supplied the Austrian treasury with no less than seventy-eight million florins, an average of about two million florins per annum, or about a third of the total revenue of the state. These loans were secured on salt excise, the Jewish tax, and the copper, cotton, and tobacco monopolies. It was not to be wondered at that the Viennese Jews were, during that period, the leaders of European Jewry, as was shown in the Eisenmenger case and other instances.

All this information and much more is contained in Dr. Grunwald's elaborate work, which has gained the Rappaport prize and is published by the historical commission of the Jewish community of Vienna. He has obtained his materials from the Viennese archives, which are naturally full of papers relating to the activity of the commissaries of the army during the period when Prince Eugene and the Duke of Lorraine were obtaining their great triumphs, which curbed the ambition of Louis XIV in the West and thrust back the Turk in the East. It is impossible to praise too highly the industry with which Dr. Grunwald has brought order out of the chaos of these state papers and elaborate accounts. The summary contained in the table, inserted at p. 170, must have cost him an enormous amount of work, and enables one to know the exact state of affairs between any of the Jewish 'factors' mentioned there and the Austrian treasury for over forty years. Besides these contributions to financial history, the book contains much information about family history, and one only regrets that the pedigree of the Wertheimers, of which a summary is given on pp. 250-2, was not printed in full. They were connected with no less than 150 other families scattered over fifty-eight communities. We are beginning to appreciate the importance of family relations in accounting for the influence of Jews on the financial history of Europe.

This is the chief criticism that one feels inclined to make upon Dr. Grunwald's work. He gives us elaborate details but

does not sufficiently connect them with general tendencies and movements. Where and how did Oppenheimer and his circle get the large sums which they lent to Austria? Occasionally Dr. Grunwald mentions that some of the princes, secular and spiritual, entrusted their money to Oppenheimer and his friends, and it may be conjectured that he and they were lending not so much their own capital as that of others. It may be conjectured that, when Samuel Oppenheimer's son Emanuel was supported by the Elector George of Hanover (afterwards George I of England), Duke George of Brunswick, and the Elector of Treves, in attempting to get his claims on the Austrian treasury recognized, these illustrious personages were not without personal interest in the result. It would have been of importance to know how much they were interested or, in other words, how much of their capital had been thus advanced. So, too, in giving some account of the wide activities of Oppenheimer in supplying the Austrian army, it would have been of interest to know how far local Jewish firms, or individuals, at Lemberg, or Prague, or elsewhere, were adventuring their own capital with Oppenheimer and were willing to wait till he had been paid by the state. And if they so waited, had they claim for interest on the amount thus advanced from Oppenheimer? Or had they shares in his ultimate profits? In other words, it would have been illuminating to have had some notion of the *modus operandi* of these great Jewish loans to compare with the present-day practice.

Another point on which light is wanted is, why the Jews had more accessible and more fluid capital than others. It is all very well to talk with Prof. Sombart of the innate Jewish tendency to commerce, but what these Viennese Jews did for the emperor in the eighteenth century had already been done by the Fuggers, the Welsers, and others in the sixteenth century; and one would like to know how the loan capital had passed from Christian to Jewish hands in the interim. The Thirty Years' War had intervened it is true, but why had not this ruined Jewish capitalists as well as others. All these questions are not even raised, still less answered by Dr. Grunwald, and this makes his book,

valuable as it is, rather raw material for the study of Jewish finance in the seventeenth and eighteenth centuries than an adequate treatment of it. We still want work more analogous to Ehrenburg's *Zeitalter der Fugger*, which, while giving details, will also give the general tendencies upon which these details throw light.

JEWISH IMMIGRATION INTO THE UNITED STATES

Le Juif errant d'aujourd'hui. By L. HERSCH. Paris: GIARD and BRIÈRE, 1913. pp. 333.

Die Wanderbewegungen der Juden. By WLAD. KAPLUN-KOGAN, Bonn: A. MARCUS and E. WEBER, 1913. pp. 164.

Jewish Immigration to the United States. By SAMUEL JOSEPH. New York: LONGMANS, GREEN & Co., 1914. pp. 206.

DURING the past fifteen years or so the Commissioner-General of Immigration has been publishing reports in which the race and provenance of the immigrants are duly rubricated, and the 'Hebrews' thus entering the United States are accordingly classified according to numbers, countries they come from, literacy, sex, ages, civil condition, destination, occupations, and the amount of money with which they are provided. By a curious coincidence, during the past year, three sociological inquirers, Swiss, German, and American, have brought together and analysed the information contained in these reports with regard to Jewish immigration in the United States, on which we have at last full and authentic information for at least the years 1899-1914.

All three inquirers deal not alone with the immigrants on their arrival in this country, but also with their condition in their countries of origin. But Dr. Joseph deals with the subject historically, Drs. Hersch and Kaplun-Kogan more statistically, and therefore more in the general line of the rest of their investigations. One cannot help thinking that Dr. Joseph has wasted a good deal of time in giving his history of the political condition of Eastern Europe in regard to the Jews, which might almost

have been taken as fairly well known by most persons interested in the subject. Similarly, Dr. Kaplun-Kogan has dealt with the *Wanderjahre* of the Jewish people from Abraham downwards in the first sixty pages of his book. Here again it was impossible to deal with so large a subject with any originality or thoroughness.

There is another reason why the use of Russian figures about occupations and the like is scarcely worth while. They are invariably taken from the *Enquête* made by the International Colonization Association in 1897, the year of the first Russian census of the Jews of any scientific value. Now, though it is probable that economic conditions have not greatly changed in the Pale of Settlement during the intervening seventeen years, there is no doubt that they have changed to some extent, and it is therefore precarious to apply results derived from 1897 to explain social phenomena of ten or fifteen years later. Take a single instance; practically one-third of the Russian Jews investigated in 1897 were engaged in commerce, whereas the proportion of merchants and dealers that come over to this country is only five per cent. There is indeed a problem, but there are no available data for solution. Dr. Joseph wisely omitted this branch of the subject from his purview, and from certain points of view his book has gained thereby. M. Hersch has devoted most of his attention to attempting to ascertain the economic and other causes which, in Russia especially, led to the migration of the Jews, but, elaborate as his analysis is, it cannot be said to be really convincing owing to the complexity of the phenomena. No doubt the cause of the New Exodus is largely political, and can be definitely traced to the religious persecutions of the Jews. But at the same time there is a purely economic element dependent on the business conditions in Russia and America, and this varies from trade to trade and from occupation to occupation. As the figures of the Commissioner-General do not distinguish between 'Russian' and 'other' Hebrews, it is practically impossible statistically to investigate the concomitant variations on both sides of the Atlantic which would enable us to show that every phenomenon in the Russian

Jewish market would be followed by such or such a phase in the Russian Jewish market in the United States.

Dismissing therefore those sides of these works which seem either irrelevant or inadequate, we may confine our attention to their common element, the analysis which they give of the information contained in the reports of the Commissioner-General for Immigration. M. Hersch practically confined himself to these figures; both Dr. Kaplun-Kogan and Dr. Joseph deal as well with the unofficial figures of the years 1881-1898. Unfortunately Dr. Kaplun-Kogan has been misled by the article 'Migration' in the *Jewish Encyclopaedia* into including all Russians coming to this country between 1881 and 1898 as being exclusively Russian Jews. Both M. Hersch and Dr. Joseph point out this unfortunate error in the *Jewish Encyclopaedia*, and the former in consequence despairs of obtaining any reliable information about the earlier years, and confines his attention to the period 1898-1910, for which the elaborate reports of the Commissioner-General are available. Dr. Joseph, on the other hand, has utilized the returns of various Jewish societies at New York, Philadelphia, and Baltimore for the period 1881-1898, and by ingenious manipulation of these has gotten reasonably near the probable figures. His tables therefore may be regarded as the only complete ones in existence, and though he comes late into the field, his book for this reason is for statistical purposes the most valuable of the three.

All three inquirers are at one in recognizing that the Jewish immigration differs essentially from the other sections of the more recent additions to America's inhabitants. Jewish immigrants have a larger percentage of women and married folk generally. They have less illiteracy, and return in less numbers to their countries of origin; in short, they migrate by family, and come to stay. In this they resemble the older immigration which built up this great nation. Strangely enough, not one of the three investigators have cared to bring the further evidence as to characteristics of Jews compared to other immigration which could have been developed from the elaborate report in forty-

three volumes by the Immigration Commission. This is probably wise forbearance, since in the majority of cases the absolute numbers on which the statistical tables of the Commission are based (they have been analysed or rather repeated by Professor Jenks and Mr. Lauck) are often so small that no trustworthy conclusions are to be drawn from them. To give a single example, the weekly wages of males under eighteen were derived by the Immigration Commissioners from one hundred and thirty Russian and thirty-five other Jews. The affiliation with trade unions, which really run into hundreds of thousands, are made into percentages derived from one hundred and sixty-three Russian Jews; the number of naturalizations investigated was only four hundred, and three of Jews other than Russians. The value of percentages derived from such figures is absolutely nil.

Dr. Joseph's work, though the most complete, is not above the possibility of improvement. As I have said, he manipulates the figures relating to the immigration before 1898 ingeniously and fairly convincingly, but in such a case it is always desirable to have before us the figures thus manipulated, which Dr. Joseph has failed to give. It would not have been difficult to have given the original figures from which tables II and IV have been compiled, and for a particular reason it would have been especially desirable to have continued these original figures derived from the Jewish inquirers down to the present day. For if Dr. Joseph had done so he would have found that the figures for immigration contained in each year of the *American Jewish Year Book* for so many years were nearly one-fifth less than those given in the government returns from 1899 onwards. The obvious conclusion is that if we had had government figures for the earlier years they would also have to be increased twenty per cent., which would probably add another hundred and twenty thousand to the number. At any rate, this discrepancy ought to have been observed and investigated.

The arrangement of Dr. Joseph's tables, full and elaborate as they are, are occasionally susceptible to improvement. He has a habit, as in tables XVIII, XXII, XXIX, of giving the

percentage of each year with reference to the total immigration concerned. It is difficult to see of what use this can be, especially as the moment the numbers of succeeding years are added, all these percentages will have to be changed. (By the way, the heading of table XXII seems to be entirely misleading, the per cent. as not of the per cent. arriving each year, but of the total arriving 1881-1910.) This reminds me to remark that almost all Dr. Joseph's tables finish with the fiscal year 1910. It is true that this had the advantage of being a census year, but as Dr. Joseph's book appeared this year it would have been easy to have added three more years and made the tables so much the more complete.

As a further comment on the methodology of the book, I would remark that Dr. Joseph has the habit of giving summaries in separate tables, instead of combining them with the series of tables. Table XXIII might easily have been inserted in the appropriate position of table XXII, with an advantage both to clearness and conciseness. One of the difficulties of an investigation that employs figures is to get a convenient *coup d'œil* of them, and it is as much the duty of a statistician to facilitate the use of the figures he has collected, by summarizing, as it is of the writer of a book to give a good table of contents.

But I should be sorry to leave Dr. Joseph in any grudging or unappreciative spirit. He has brought together, practically for the first time, almost all the available and relevant figures bearing upon Jewish immigration to the United States during the past thirty years. He has drawn from them most of the inferences and induction which they can well bear; he has brought out with clearness the different character of the New Exodus as a real transference of hard-working families from Russia, Galicia, and Roumania to these favoured climes. Above all, he has redeemed the good name of American Jews from the reproach of having permitted European inquirers to summarize available statistical material relating to Jewish immigration into America which ought long ere this to have been made accessible to us.

JOSEPH JACOBS.

MARGOLIOUTH'S CATALOGUE OF MISCELLANEOUS MSS. AND CHARTERS IN THE BRITISH MUSEUM

Catalogue of Hebrew and Samaritan Manuscripts in the British Museum. By G. MARGOLIOUTH. Part III, Sections VIII, IX: Miscellaneous MSS.; Charters. London, 1915. pp. iv + 375-607 + (2).

THE final instalment of volume III of Margoliouth's Catalogue does not bring the great work to conclusion as originally intended. Among the items not yet included are, besides the Samaritan codices (65 in the Descriptive List of 1893), some 70 Hebrew manuscripts enumerated in the short preface by Dr. Barnett, Keeper of the Department of Oriental Books and Manuscripts, which follows the title to the whole volume; similarly the general introduction and the indices are still outstanding. The latter we hope will be fully in keeping with the character of the whole work, so that the large amount of information spread over its volumes will become readily available. Dr. Barnett promises that the remaining parts of the Catalogue will be published as soon as circumstances permit; we sincerely hope that we shall not have to wait long, and that the complete Catalogue will soon make all the treasures of the Museum in this particular field accessible to the scholar. If it be permitted to express a wish in advance, it would be very desirable if transliterations were added to the numerous personal and geographical names, as was done in many instances in Elbogen's review of volume II (*JQR.*, XIX, 402-10). A list such as Cowley gave in the second volume of the Oxford Catalogue of the sources from which the manuscripts came to the British Museum, now only furnished in rare instances, would also be welcome, since it occasionally helps to identify the manuscripts.

That the original plan of describing the complete collection

in three volumes had to be abandoned is due to the fact that the information given in the later volumes has been increasing in fullness. While volume I (1899) dealt with 339 manuscripts in 283 pages, the second (1905) devoted 492 pages to 392, the third 607 to 473 codices.

Turning to the present sections we get a description of 135 manuscripts, classed as 'Miscellaneous', and 30 charters. The latter, as well as some of the important Genizah texts, are printed in full, presenting very valuable material. The manuscripts follow one another in the order of their shelf-numbers without any regard to their contents. It is to be regretted that the author did not find it convenient to arrange them in small groups, so as to aid the student. It would certainly have been more advantageous if the two copies of an unpublished Latin translation of Abrabanel's *משניות ישועה* (1044, 1046) had received consecutive numbers, if the two versions of Farissol's polemical book (*וכוח הרת*) 1078, *מנן אברהם* 1162 were found together, forming a group with the other polemical works (1047, 1066, 1068, 1070, 1071, 1079, 1085, 1092, 1105, 1107, and perhaps 1157, a list of passages to be destroyed by the censor). The historical works of Josef Haccohen (1103) and Capsali (1059), the registers of Cairo (1146) and Lugo (1141) and others one expects to find together. Ketubot are recorded under Nos. 1097, 1158, 1171, 1173, 1175, 1203 (the last among the charters!); letters of divorce 1097, 1125, 1130, &c. Additions to subjects dealt with in former parts of the Catalogue are also placed in the miscellaneous section in various places; thus 1113 contains a scroll of the Pentateuch, 1112, 1139, 1140 Pentateuch MSS. (the last of them is of some interest to us for having once been the property of Samson Simpson of New York, who lent it to Kennicott), 1114 Biblical commentaries, 1115 an unknown Arabic rendering of the Prophets by the well-known astronomer Issachar ben Susan. I still miss MS. Add. 19778, David Halevi's *ספר המכתם* (cp. *הציפה מארץ הגר*, III, 59), omitted in vol. II of the Catalogue, while recorded in the Descriptive List, and the compilation of the enigmatical *שבמ"ה*, formerly MS. Carmoly 2,

described *MGWJ.*, IV, 104-6, now MS. Or. 1389 (see Schechter, *JQR.*, III, 334, where Or. 1989 is a misprint; cp. *MGWJ.*, XXXVII, 171, note), missing in the Descriptive List as well. Among the MSS. classed as miscellaneous in the List curiously enough several (Add. 26970, 27034, 27122, 27131, 27145, 27176, Or. 2582) are omitted in our volume.

Perhaps the most valuable and interesting codex described in the present volume is 1056, with its beautiful miniatures, thirty-nine in number, for which Margoliouth offers a fuller description here (pp. 423-6) than he did in a special article in *JQR.*, XVII, 193 seq., where two of them were reproduced in facsimile (fols. 117b, 118a). This MS. contains 84 different texts according to our Catalogue, and its description fills twenty-five pages (402-27). In such cases one misses an indication of the number of the manuscript discussed on the top of the pages. In a copy of the complete volume of the Catalogue I saw that ten beautiful plates are added to it, while they are curiously missing in the issue of the sections under review. The last two plates are taken from the manuscript just mentioned, showing its beautiful execution and its splendid colours. The first plate offers an autograph of Elijah Levita. As in the former volumes, the subscriptions of the plates make it very inconvenient for the reader. Only shelf-mark and page of the manuscript are given, but neither the character of the script nor the contents, nor even its number and page of the description in the Catalogue are indicated, and can be ascertained only by consulting the Concordance at the end of the parts. A complete table of all the plates in the concluding volume would make this important contribution to Hebrew palaeography more useful.

Like its predecessors the new part of Margoliouth's great Catalogue is a most welcome source of information about many rare or hitherto unknown works, and is an indispensable book of reference for the worker in any of the branches of Jewish science.

I shall now add a few notes, as I did with the former parts of volume III (*JQR.*, N. S., II, 259-65; VI, 163-7):

1042¹ M. ascribes the dialogue between Bible and Talmud to Joseph Zark, answering thus in the negative the question of Steinschneider, *Rangstreitliteratur*, p. 24, whether Ibn Aknin was its author.—P. 376, note + Loewenthal's critical edition, Frankfurt a. M., 1896, p. 2, has the correct reading.—1044 and 1046. Is this perhaps Wuelfer's unpublished translation of משמיע ישועה? cp. Wolf, *Bibliotheca Hebraea*, I, pp. 635–6, where also some other translators of the book are mentioned.—1045. A note in Steinschneider's copy of De Rossi, *Bibliotheca Judaica Antichristiana*, No. 52, drew my attention to Coxe, *Cat. Balliol College* (Oxford), No. 251, pp. 85–6, where another copy of the interesting book is briefly described containing a note by Bishop Kidder (1700), stating that he had acquired the book from Cudworth, and believed this to be the manuscript which the latter had purchased for £10 from Manasseh ben Israel. He took Manasseh for its author, but he could not affirm this. From this MS. Neubauer published a piece in his 'The Fifty-Third Chapter of Isaiah', Oxford, 1876, pp. 153–70 of the Spanish, French, and Latin texts.

1048. The compilation ספר התוריר, thus far little known, is thoroughly described for the first time. In eighteen pages we get the contents of the ninety-three chapters of the book. Zunz, *Ritus*, p. 31, and following him Guedemann, *Erziehungswesen in Italien*, p. 195, and Vogelstein-Rieger, *Geschichte der Juden in Rom*, I, pp. 451–2, ascribe the work to Moses ben Jekuthiel de Rossi; Margoliouth is in doubt about the authorship, without justification: the poem on the Creed by the מעתיק (M. hesitates whether to translate scribe or—correctly—compiler) is ascribed elsewhere distinctly to our Moses de Rossi, of Cesena, e.g. in cod. British Museum 616¹⁸⁽⁶⁾ (Cat., II, p. 209), and Schorr (He-ḥaluz, IX, 2, p. 50); see also Zunz, *Literaturgeschichte*, p. 510. Rabinovitz, briefly describing another copy of the book (MS. Merzbacher 148, now in the Frankfurt Municipal Library), remarks that the halakic sections in the editio princeps of the Roman Maḥzor are extracts from our compilation. M. refers to this ritual only in No. 49. Margoliouth's careful description

enables me to state from my excerpts made many years ago from MS. Paris 1872, in which I discovered a large fragment of the ספר התרי"ך, that the compilation shows there a somewhat different arrangement. It begins in chap. 32, which is followed by 52-6, 61-71, 77, 93. An anonymous fragment of 38 leaves in the New York Seminary also contains part of our book; it begins in the middle of chap. 53, and, after a gap at the end of 56, it has chaps. 65-7, 89, 71 (beginning אלו עוברין (בפ' אלו עוברין, 72, 84, 86, 93, 85. Some of the chapters are numbered in the margin: 54 (46), 55 (47), 67 (52), 89 (53), 71 (54-5), 86 (60-1), 85 (62). Thus the book must have existed in varying copies. To the description of the book I have to add the following: p. 380, No. 4 read יוסי בר בון, and cross out note a; it is a quotation from Yer. Berakot I, 1 (fol. 2 d).—P. 382, No. 24, the reading רפינים for the common 'Lupinus' is interesting; cp. Zunz, *Synagogale Poesie*, p. 141; Rieger, *Allg. Zeitung des Judentums*, 1915, p. 210, who identifies him with Diocletian.—*Ibid.*, No. 25, read Mantua 1513 instead of Constantinople (there only Seder Olam appeared in 1517 without the Seder Haḳḳabala); the manuscript agrees with the version of the 'Ten Exiles' in Jellinek, *Beth Ha-Midrash*, V, 113; cp. *ZfHB.*, IV, p. 100.—*Ibid.*, No. 26, cp. Neubauer, *Chronicles*, II, 23-5.—P. 384, No. 32. In reference to וידוי שביב מרע read with MS. Paris רמב"ן (for רמב"ם); see his שער הסוף end of תורת האדם.—P. 385, No. 53, MS. Paris reads קהלינו in the heading, and closes the chapter תם סדר החתנים, taking it as part of No. 52.—P. 388, No. 62 c, e, see Steinschneider, *HB.*, VII, 92.—P. 389, No. 67. The passage about the date of Jesus is taken from Abraham ben David; cp. Neubauer, *Chronicles*, I, 53 (cf. 89), where the text is very incorrect.—P. 390, No. 67. The passage about the numerical value of the final letters, see *ZfHB.*, VIII, 191, note 1.—*Ibid.*, No. 71. The sentence: מנצחתי בפירוש הנעשה ברוסיא אנו אינשי ממריה רשותין פרי יפרע (ב"ק 46 b) פי' הנהגה מבעל חוב שלך שקול מיניה מה שתוכל would have deserved to be quoted as an early reference to Jewish learning in Russia.—P. 391, No. 76, the introduction to this polemical treatise was

published by N. Bruell in Weiss's בית המדרש, 143-5 j; cp. Steinschneider, *Cat. Munich*, 312⁸.—P. 393, No. 79 שְׁעָרֵי עֵין חַיִּים has been reprinted by Berliner, קבץ על יד, I, 71-4.—P. 394, No. 82 read בלרמו, and see on Ahitub and his treatise Guedemann, *l. c.*, 202-3; also Chamizer, *Festschrift Cohen: Judaica*, p. 423. Moses ben Jekuthiel's poem (see above) was printed by Freimann, *ZfHB.*, X, 172, and Hirschfeld in this QUARTERLY, V, 540, both under a wrong name.—P. 395, No. 83. In the manuscript of the New York Seminary the signature is: כהפץ המשרת משה בכ"ר דוד מן, while after the additional question נאום הקטן משה בכ"ר יקותיאל מן האדומים.—*Ibid.*, No. 84 read יושבי נרבונא.—P. 396, No. 87. About חיי עולם see Loewenthal in *Festschrift Feilchenfeld*.

1056 A, No. IX, p. 404 b. The סדר של חכמים was published by me in *Festschrift Lewy*, pp. 159-61.—P. 413, No. XLII, see about the addition to the Mezuzah Aptovitzer, *RÉJ.*, LX, 40 seq.—P. 421 b, B, No. XXVII. It ought to have been remarked that this text of the Seder Tannaim contains some Arabic words, although, as is natural with a western scribe, partly in a very corrupt form; line 6 from bottom read גולה קרנא.—P. 432, No. XXIX. This text of Tobit was published by Gaster in *PSBA.*, 1897.—The witness Isaac ben Abraham, of Chinon, might possibly be identical with the scribe who forty years earlier copied in Zurich the סמ"ק, now in the New York Seminary, which has the epigraph: אני יצחק בן אברהם דקינן זלה"ה סיימתי זה ספר המצות: הקטן באחד בשבת בששה עשר יום לירח שבט שנת קנ"א לפרט קטן הקטן צוריק.—1066, II. The Ferrara disputation was published by Jaré, Livorno, 1876, and discussed by J. Bergmann, *RÉJ.*, XL, 199-205, who similarly overlooked the edition.—1070, p. 442 b. The queries disappear if one adds with a manuscript of the New York Seminary מיסד להיותו.—*Ibid.*, p. 444 a-b. The three manuscripts of part XII of the אבן בוחר in the New York Seminary, all containing the 116 chapters of which this part is supposed to consist, end with the conclusion of Matthew. Did the book really ever contain any more?—1071, I. Of Jacob b. Ruben's מלחמות ה' section XII was printed in Amsterdam, 1843 (Roest, *Catalog. Rosen-*

thaliana, p. 521), and reprinted Stettin, 1860, after Steinschneider's edition of *זוהר הרמב"ן*. The abbreviation, p. 445 b, is rightly explained there as *הנורא יתברך*.—1074, IV. The third letter of Obadiah of Bertinore ought to be published!—1075, VIII. *צער בת רבים* was reprinted from the editio princeps by Friedberg, Lemberg, 1905.—1076, IV. This manuscript of Midrash Ekah served as the basis for the text of the Petiḥot in Buber's edition, Wilna, 1899, and was used by Dalman, *Aramäische Dialektproben*, pp. 14-22; it represents a version of the Midrash which is different from that of the current edition, but was used by Franco-German and Italian scholars, as I have shown *OLZ*, V (1902), pp. 294-5. Perhaps it is a Palestinian version.—*Ibid.*, VIII. This text of the 'Ten Exiles' forms a class with MSS. Vatican 99³, Oxford 2797 (where the last two exiles are omitted; see Gaster, *Chronicles of Jerahmeel*, pp. 182-6), and Paris 837, which served as a basis to Carmoly's interpolated *עקטאן דמר יעקב*, Brussels, 1842, pp. 16-32; cp. *ZfHB.*, IV, p. 100; X, p. 156.—1078. About the different versions of Farissol's polemical work see Steinschneider, *Cat. Berlin*, I, 109-110; II, 31.—1081, I. Kolon's comments to the Semag Pesahim were published under the title *חרושי מהר"ק*, Munkacs, 1899.—*Ibid.*, XXII, p. 478. Ibn Tibbon's translation of Maimonides' letter to Yemen was edited by Holub, Vienna, 1875. Dr. Friedlaender is preparing an edition of the Arabic original (unique manuscript in the library of the New York Seminary) with the Hebrew translations, for which he has also collated this manuscript.—*Ibid.*, XXVII-XXVIII, pp. 482-4. The letters were published from this manuscript by Grossberg after *ספר העצמים*.—*Ibid.*, XXXIV-XXXV, edited by D. H. Müller, *Die Recensionen und Versionen des Eldad Had-Dâni*, Vienna, 1892, pp. 52-79, as version J and pp. 16-18 respectively.—1083, XIV-XV. About these unknown treatises of Abraham ben Natan of Lunel, see Toledano's Introduction to the same author's commentary on *מסכת בלה*, Tiberias, 1906, pp. 23-5, where the beginnings are printed from our manuscript.—1094, XIII. The interesting responsum is found printed in full with Maimonides' Code, end of *ספר נשים* (IV)

under the תשובות דשייכי להלכות אישות, No. 10, whence the lacunae in the manuscript can be supplied.—1100, I, cp. *JQR.*, N. S., V, 178-9.—1101, II. The description gives no idea of the many points of interest contained in this manuscript. With his incomparable command over the literature of the Midrash, my lamented friend and master Dr. Schechter found in this volume a great number of very strange and otherwise entirely unknown legends and other haggadic passages. From his own extracts, which he often showed me, I may be permitted to quote here a number of instances which I believe are of considerable interest, although probably mostly not of very great age, as names like R. Natronai (f. 30a) and R. פסיפס (f. 23a, 26a), as well as the contents of some of these passages, show :

15 b קולה כיון שהיה ר"א בן הורקנוס דורש היו נעוצות של אש נכנסות לבית המדרש והוא אומר לתלמידיו ריה בנדים נשרפות אני מריח. אמרו לו רבי ושמא בבית שבינו כך פתח ואמר הוי על כל שבינו הרעים אמרו לו ואם לאו מאין אמר להם צאו למלאכתכם היום אינו ראוי לדרישה: באותו הלילה היה ישן ראה בחלום נחש נכרך על עקיבו אמר לו אם תלמידי חכ' ביניהם מה לך נחש זה אמר להם על שבטלחם מדרש אמש שכל העולם אינו כדאי ביום שדורשין בו על תורה

Ibid. ועוד כשבא הלל הזקן לפתוח לתלמידיו בסוד מעשה מרכבה יצאו עכברים בכל הבית והשחיתו כל הכלים שבבית והיה הלל אומר בני צאו וקראו לכל חלדות שבעיר אולי תוכלו להסיר המכשול. לא הספיק לדבר עד שנעשה מלאך מאסקופת הבית אמר ממני הם משולחים מפני שלא שמשו בניך כל צרכן הלל לא כשאתה פטיט (?) בניך אלא כלך מלשון הרע.

19 b מעשה בר' יוסי שיצא מבית תלמודו ומצא אליהו ז"ל אמר לו בענין מה אתם דורשין אמר לו בפסוק יהי מאורות א"ל בני כבר הנעת לפסוק זה אמר הין אמר למה נאמר בהן לשון עשייה ולא נאמר בהן לשון בריה אמר מפני שהן קשין אמר לא (sic) והלא כבר נאמר וייצר אין לך קשה מן האדם שהוא שומע ואינו שומע רואה ואינו רואה אדם קצר

ימים ושבע רוגזו אלו היה שבע חכמה או שבע רצון היה יפה אלא לומר
לך שאין האדם יכול לקבל רב טובה בעוה"ז שתצילו לעוה"ב ואלמלי כן
מקרא מסייע יצר לב האדם רע מנעוריו.

21 a אלה תולדות נח קאל פי אל מכילתא למה נאמר בנה איש
צדיק אלא שהיו אנשי דורו כנשים.

22 a שנים שנים באו אל נח. אמר ר' פסיפס שהיה בדעת הבורא
לברות שני עולמות אחד לצדיקים ואחד של רשעים א"כ מה חפצו בשל
רשעים אולי יחזרו בתשובה שחביבה תשובה לפני הקב"ה כפלי כפלים. [אמר]
ר' טרפון אדם שהוכה בשחין מה הם עושין קורעין גידין ומוציאין דם מכווער
שנתכנס לתוך גופו מיד הוא מבריא שכל מדותיו של הקב"ה חסד ורחמים
בעולם. עלה בדעתו לברות אדם ועלה בדעתו תחילה שאין איש צדיק
בארץ אשר יעשה טוב ולא יחטא. מה עשה ברא תשובה לחוטאים שנ'
כי לא אחפין במות הרשע כי אם בשובו מדרכו וחיה. שני תלמידים היו
(22 b) לו לטרפון ר' יוסי ור' נחמיה וכולן דרשו על התורה מאה מאה
מדרשות וכשמתו באו שונאיהם וכתבו על קבריהם מינוס מינים. עמד ר'
טרפון ואמ' ושמא אליהו כתב זה יצתה בת קול ואמרו והלא ממני הדבר
שב וראה מיד ולן על קבריהם שמע שתי רוחות מדברות שנים אלו חלם
אמר להן רוח שלישיית והלא כת' אל תתחכם הדברי (sic) למה תשומם.
אמרה רוח רביעית שמעתי מאחורי הפרגוד שכל הקורא שיר של פגעים
לאחר שבת אין חטא בא על ידו ואין מוסיקין שוין עמו כלום. אמר רוח
ראשונה שתקו שטרפון שומע אותנו ומסתכל בנו. עמד ר' טרפון והלך
לו ומצא אליה בדרך ואמר לו מה טובך כאן אמר הפסידו תלמידי שהורו
לחקל בפני עם הארץ.

23 a ר' חייא אומר גדולה מילה שהיא מקרבת הנבואה שאלו לא
מל אברהם לא נתנבא וכל מי שלא מל עתיד הגיד שלו נחש לישך אותו
שנא' כי הנני משלח בכם נחשים צפעונים למה על שביטלו את המילה.
23 b וקו' כיון שמל אברהם בא הקב"ה הוא ופמליא שלו וביקרהו.
אמר הקב"ה בואו ונבקר את החולה עד שהן מהלכין קדמן הקב"ה
ר' אומר ומבשרי אחזה אלוה לא עלת קרוטקיא ולא אפך לו מנה הא

דאמרינן טוב לגבר כי ישא עול בנעוריו או דאמרי רב תבואות בכח שור' שמואי אומר ומבשרי אחזה אלוה שחיטה כשירה שנצטוונו בה ע"י משה'

26 a ויבאו שני המלאכים סדמה בערב אמר ר' פסיפס והשלישי להיכן הלך אלא כיון שראה שהלכו להחריב סדמ ברה' מציא אליהו ואמר לו להיכן אתה הולך אמר לו בקש קרנים נוטלו אזנים הקב"ה שלחני לרפות אחד ואלו מבקשים להמית אלפים ורבבות' אמר לו אליהו חזור בך יחיד נדחה ואנחנו נלך אחרי הרוב אמר לו המלאך איני עושה דברי עד שאשיב דבר למי ששלחני' הלך אליהו ומציא המלאכים וכיפר להם אמרו בא אתה ונחיה שלשה ונדון אנשי סדום אמר להם אני לא נתמלא זקני אלא בחרו לכם לוט ויהיה שלישי מיד ויבאו שני המלאכים סדומה בערב . . . (26 b) וקו' שנים עשר מלאכי חבלה ידרו להחריב סדום ועליהם קמואל ממונה והחריבוהו כהרף עין'

Ibid. ויחבוש את חמורו ק"אלו חמורו של אברהם אבינו היה ירא שמים' וקו' אותו האיל לא יצא ממנו דבר לבטלה אפי אפרו הוא יסוד מובח הפנימי . . . (27 a) וקו' הסבין להילך הלכה אמ' חכמ' נשלו דמעות ממלאכי השרת עליו ונמס'

Ibid. וקו' וה' ברך את אברהם בכל נולדה לו בת ושמה כל' ר' הונא אומר ולמי נשאת לשם בן נח והולידה אבנר שהיה המאור בהלכה' תני כל בתו של אברהם אבינו לא מתה אלא עדיין היא קיימת וכל הרואה אותה מוציא מציאה שנ' ומשחרי ימצאוני'

30 b וילך עשיו אל ישמעאל א"ל ע"ז שלי אברה ואני מבקש ממך להחזירה לי א"ל אם נפלה שלהבת בארו האדיר מה יעשו אזור'

33 a למה שלמו ישראל בנבעת בני בנימין ר' אומר מפני שלא עירבו בתיהן לרשות שבת' ור' נתן אומר מפני שהיו מדליקין נר שבת אחר שקיעת החמה וכל כך למה שכל המזלזל בדברי חכמים נידון בצואה רותחת' ובשנפל שבת בנימין היה קברו של יעקב מפטפט וקול יוצא מהמערה הקבצו ושמעו בני יעקב ומדת רחמים אומרת בנים אתם לה' לא תתגורדו ולא תשימו קרחה בין עיניכם . . קאל מעולם לא עבד שבט לוי ע"ז'

Ibid. וישחטו שעיר עזים ר' נטרונאי אומר מהיכן הביאוהו מבית לוט הביאוהו תניא שעיר עזים זה אין לו קרנים ובשבא אליהם אמר להם שתי נפשות אתם הורגים מלמד שהיא נקבה והיא עברה ומנלן דאמר עזים משמע שנים וכשבאו לשחטו צות קול עד שהגיע למרום וירדו מלאכי השרת לראות וכן הוא אומר יוסף ואנימת מי יגיד ליעקב הלכה אחת הרוחות וסיפרה ליעקב מה הוא אומר בסוף ויפג לבו כי לא האמין להם והיה צות ואומר ארץ אל תבסי דמי ועד עכשיו דמו של שעיר לח בקרקע עד שיבוא המלך המשיח שנאמר וצרפתים כצרוף את הכסף זה כסף שמכרו בו את יוסף שנאמר וימכרו את יוסף . . . שעיר עזים שדמו דומה לדם האדם . . . (34 a) שעיר יוסף נתפלל עליו יעקב וחייה כמה שנים והוא שהיה עם ישראל במדבר והוא שעלה לעזאזל גורל לה' א"ל הקב"ה בשביל שנצטערת במכירת יוסף חייך שאני בוחר לך קרבן לפני.

Ibid. קאלו שלשים מלאכי חבלה ירדו עם יוסף למצריים גדול שבכולן הדרניאל וקטן שבכולן חנמאל עשרה עשרוהו והצילוהו מאשת אדניו ועשרה העלוהו מבית הסתר ועשרה הצילוהו מאחיו
 34 b שלשה סלי חרי על ראשי חלם שלשה צלמים של אבן של עץ של מתכת . . . וקאל שר האופים היה הוא ונבוכדנצר והמן בעליה אחת נבוכדנצר אשתפיך חמריה ושר האופים שתייה והמן קטליה
 35 b קאלו תני ר' כמה תפלות מתפלל אדם בכל יום שלשה כדי שלא ינהוג קלות ראש בשכינה

36 a וקו' והוא נחש ינחש בו והא כתי' לא תנחשו ולא תעוננו אלא נחש בהם זוו לפניהם והיה מטייל בארבע פנות הבית ולא יכלו ליגע בו יוסף מפני שלא שימש אביו כראוי והשבטים מפני שלא רעו הצאן שנ' לרעות את צאן אביהם בשכם נקוד על את שלא הלכו אלא לרעות עצמן באכילה ושתייה רבותינו אומרים צאנו של משה הן צאנו של שבטים והן צאן לבן והיכן הלכו כשהיה יוסף במצרים ברחו למדבר רוב (?) והיה בלעם רועה אותן וכולם צדיקים נמורים ועליהם נאמר ואתנה צאני צאן מרעיתי אדם ויש אומר גבריאול העלה אותן לרפת הרקיע והיה מוכאל

שוחט מהן ומקריב לפני הקב"ה והוא קורא לצדיקים לאכול שנ' זה השלחן אשר לפני ה' וכל אחד לוקח מהן מנה ומברך עליהן הטוב והמטיב הטוב שיצתה נשמתן מגופן בנחת והמטיב שוכו לחיי העוה"ב . . .

b 39 תני ר' שילה עומד על פתחה של גן עדן ובידו שרביט ובשהקב"ה חפץ להטייל בנ"ע הוא קורא שילה פנו הדרך.

b 47 אמר ר' סימון ששים הלכות למדתי בפסוק ובשר בשדה טריפה וכולם נשתכחו ממני על שהייתי מלמד תינוקות. מכאן אתה למד שהמלמד תינוקות קל מן הקלים מוכר דעתו בקב ששויות וכשהוא מתפלל אין נפתחים לו שערי רחמים.

b 51 מעשה בהלל הזקן שעבר יחידי מצאתו לילית ואמרה לו הלל אמר לה מה תאמרי אמרה אין הקב"ה נפרע מן האדם אלא על הליכתו יחידי אמר לה ומה אתה אמרה אחות אמך אמר לה ומה שמך אמרה גדודה אמר והלא שם אמי ירדה אמ' בשם ששנית מעשיך שנית שמי אמרה ולמה את כאן אמרה לי מלאכה אמר ומה תעשי אמר אלך בקומה זקופה על החיות (ע' מדרש החפץ).

Ibid. במלח תמלח פירש ר' נחוניא בן הקנה בים ומצא שם גומא של מלח גדולה בהר מושקים (?) אמר לספינים אם אין לכם מלח מלחו מזה אמרו לו כל האוכל מזה המלח נסמית עיניו אמר ומהיכן ידעתם מיבו כאן אמרה אשתו של לוט טבלה כאן וזה שיורה אמר להם ומהיכן ידעתם אמ' לו לך מעמנו הלך מעמך ומצא אור באותה גומה וקול יוצא ותהרין שתי בנות לוט.

b 52 אדם כי יהיה בעור בשרו וגו' אמר ר' שמעון מצאתי אחד מצורע ואמר לו לך לכהן גדול ויטהרך. אמר לו בני שמעתי בת קול מדברת בראש ההר ואומרת אם יכנסו אליך כל הרפואים אין לך רפואה אמרתי לה אין למידין מבת קול מפני שהוא כחלום ודברי חלומות לא מעלין ולא מורידין. הלך ושאל לכהן לטהרו וישמע בת קול שהיא אומרת זקן זקן עד מה אתה משתטה ארור הגבר אשר בטח באדם וגו' ואתה בשר ודם והכהן בשר ודם ואנו בין קדושים מהלכות אם תשמע לדברי מוטב ואם לאו דע שאין לך רפואה לעולם. בא וסיפר לי באותו מעשה

הלכתי אף אני וקראתי את בת קול משביע אני במי שבראך גלי אוני
 בדבר זה' אמר לי שמעון אתה אמרתי הן אמר דע שאתה מחוסר אמנה
 שתלכו אל הטמאים ואל המצורעים ותדבר עמה' ואע"פ כן אין דבר
 מועילין אסיא אסא הגרתיך' לא זו משם עד שהוא חש בראשו הלך
 וסיפר לחכמים באותו מעשה ואמת קריבה ואינו ממקרא העולם ושבעו
 מהר צעה להפתח ולא ימות לשהת ולא יחסר לחמו'

1101, XX, p. 527, contains Maimonides' own Hebrew preface to his introduction to the Mishnah (not a translation from the Arabic) with a commentary. The New York Seminary possesses a similar commentary in the form of questions and answers, which is followed by an Arabic commentary on Maimonides' Code, section הלכות שחיטה, written in 1586, and identical with MS. 500 in the second volume of our Catalogue.—1103 II. Some of the poems of Joseph Ha-Kohen have been reprinted lately by Davidson, *Sepher Shaashuim*, pp. cxxiii–iv, from an old Constantinople print; see also *ibid.*, p. cxix note, the description of a manuscript of the New York Seminary.—1135, I. This important Genizah text has been published and discussed by Poznański, *RÉJ.*, LI, pp. 53 seq.

1145. Under this number we find the description of a piece of board containing the first half of a two-line inscription, the end of which now forms part of the ark in the Synagogue of the New York Seminary, and was published with a photograph of the ark, and explained by its discoverer, Dr. Schechter, in the *Biennial Report of the Jewish Theological Seminary of America*, 1902–1904, New York, 1906, pp. 126–8. Combining the two pieces we get now the following text:

line 1:

שמע ישראל יי אלהינו יי אחד ואני ברב חסדך אבוא ביתך אש [ת]חיה |
 אל היכל קדשך ביראתך' זו הקובה קורותיה ואבניה ופועליה בלבד ממון הזקן

line 2:

עובדיה בר יפת הירוע אבו אלמועאלי האלהים יחלף עלוהי | בטב ויזכה
 לחיות בנועם יי ולבקר בהיכלו וכל ישראל בכלל הברכה אמן סלה.

It is perhaps not out of place to reproduce at the same time the

other short inscriptions containing names found on our ark, since they likewise come from the Genizah, and perhaps may help to decipher the other board found in the British Museum under the same number :

(1) בשם יי נעשה ונצליה הגומל לחייבים טובות כניסה זו . . .

ושלמה הלוי בן טוביה (a piece cut out)

(2)

אחריה ..

בואו שעריי בתורה הצרותיו בתהלה הודו לו ברכו שמו שלמה בר יפת היב . . .

בנימין

Two other boards only contain Biblical verses (Ps. 24. 5 and 25. 8). Solomon bar Japhet occurs in Cat. Neubauer-Cowley, p. 367, No. 11 and 397, No. 136. When I showed Dr. Schechter the inscription in the Catalogue he told me that there was another piece of board from the Genizah which came into the possession of a Mr. Henriques in Manchester. It would be desirable if this would be located and its inscription published.

1148. Tudela does not stand for the name of the author, but refers to the city to which the responsum was directed. It is by R. Isaac ben Sheshet, and printed as No. 372 of his responsa.—1159. Cp. the printed edition, Jerusalem, 1886–91, 4to.—1160, p. 586. The Saadia quotations are very interesting. On Abraham Ḥasid see Eppenstein, *Abraham Maimuni*, Berlin, 1914, p. 25, and *Hoffmann-Festschrift*, Hebrew part, pp. 131, 135 seq. If the reference to בעל מקור חיים really belongs to Gabirol it adds one more to the very few Jewish authorities who quoted this philosophical book. The quotation from Ḥefeṣ is to be added to Dr. Halper's careful collection in this periodical, V, pp. 71 seq.—P. 587, bottom, בן ארזי מורי ורבי = באמ"י.—1166. The name of the author, Tobiah ben Eliezer, might have been added.—1176, IV. Is this perhaps taken from the letter to Moses Ḥefeṣ? see *REJ*, LXI, p. 137.

Considering the importance of the early Shetarot of the pre-expulsion period for Anglo-Jewish history we can understand that those found in the British Museum were printed in full in the Catalogue, pp. 599–607, although they were almost all accessible

since 1888 in Davis's well-known collection. This volume is only casually referred to in a note, p. 609 b, while the first sometimes inaccurate list of them in the Catalogue of the Anglo-Jewish historical exhibition, 1887, through which for the first time the interest for these documents was roused, is passed over without any mention. It is perhaps not superfluous to add here a concordance of the numbers of the Catalogue and those of Davis:

Marg.	Davis	Marg.	Davis	Marg.	Davis
1177	159	1184	164	1192	153
	192	1185	150	1193	161
1178	195	1186	151	1194	188
	155	1187	149	1195	160
1180	92	1188	163	1198	89
1181	191	1189	94	1199	64
1182	165	1190	162	1201	146
1183	169	1191	152	1202	147
				1205	171

Nos. 1179, 1196, 1197, 1200, 1204, 1206, although listed in the exhibition catalogue seem to be missing in Davis's collection, which claims to be complete. 1203, in spite of its shelf-mark, belongs to the preceding section, as mentioned above. Davis's shelf-marks do not always exactly tally with those of Margoliouth. But while in this case it is clear that the latter is right, a reference to Davis would have given the assurance that the same is the case where Margoliouth differs from Davis in his transliteration, and would tell that he advisedly adopted a different reading (see, e.g. 1177 אוישקא, Davis אַנישקול; 1180 מאיי פילט, Davis מאיק לפילט).

It need not be repeated that the above notes and corrections in no way detract from the value of the splendid work. I hope they may be of some use for the Addenda and Corrigenda which the concluding volume no doubt will contain. For these I may be permitted to add some notes which I have made in the course of time in my copy of the second volume as far as they are not found in Elbogen's and Poznański's reviews.

No. 340. The list of books of a former owner mentioned at the end of the description ed. Neubauer, *Letterbode*, IV, p. 134.—342. The manuscript was first identified as Yalkuṭ Makiri by Dr. Schechter, *Abot derabbi Natan*, xiii, who in his manuscript notes on the Vatican MSS. expressed the hypothesis that Codex 291 of that library contains a more complete manuscript of this work (although the end is missing), an hypothesis which has been verified by Dr. Freimann, in whose hands these notes of Dr. Schechter are now, see *REJ*, LXVII, p. 157, note. The London MS. has meantime been edited by Dr. Greenup.—415¹⁻². This manuscript not only agrees with ed. Wilna, but this edition is made from that very manuscript; see the *אחרית דבר* to the Wilna Talmud edition, Lubetzki, *ברקי בתים*, xxi, and Blau, *Harkavy-Festschrift*, pp. 362 seq.—421. This manuscript of R. Bešalel's *Shiṭṭah* was fully described by Jellinek, *קונטרס*, *המוכר*, Vienna, 1877, pp. 16–26 (I overlooked that *JQR*, N. S., II, 269). Of the three glosses given as specimens on p. 65 b the second and third occur in the *Shiṭṭah Meḳubbešet* as printed in the Wilna Talmud. The identity with R. Bešalel's notes is beyond a doubt; as to the relations of the notes on Nedarim and Nazir to the printed *Shiṭṭahs*, see Jellinek, *ל. c.*, p. 19; the glosses on Yoma, fols. 26–40, were printed by Jellinek, pp. 20–26; this reference is to be added in Freimann, *קונטרס המפרש השלם*.—424. The quotation of R. Moses ben Ḥasdai of Poland is found in all the manuscripts; see Goldberg, *הלבנון*, V, 360; Halberstam, *כבוד הלבנון*, VI, 284.—427, p. 68 b, bottom, *בעל התשלום* often refers to Naḥmanides' supplement to Alfasi; see *JQR*, N. S., I, 435. Do the quotations deal with Nedarim?—430. This no doubt is another copy of R. Bešalel's *Shiṭṭah*, and ought to be compared with No. 421.—436¹⁻³ is the often-printed commentary of R. Nissim on Alfasi; *is the commentary wrongly ascribed to the same author and printed Jerusalem, 1884, from a manuscript now in the New York Seminary; see *REJ*, LX, 260; LXI, 132.—442, now edited in *REJ*, LIII, 212–19, by Rosenberg.—445. The text of this Tosefta MS. is much closer to MS. Vienna and the editions than to MS. Erfurt.—499. This commentary on

Maimonides' code does not seem to have gone much further. A manuscript of the New York Seminary, probably autograph, written in 1519, contains the *יסוד משנה תורה* on the fourth book of Maimonides (*ספר נשים*), but only covers *הלכות אישות* and the beginning of *הלכות גירושין*. A marginal note states: *לא הספיק למבאר לבאר אלא הלכות אישות וג' פרקים מהלכות גירושין*.—523, p. 131, the Pentateuch with commentaries and Halakot Gedolot on the margin is no doubt MS. Milan 116; see Berliner, *Gesammelte Schriften*, I, pp. 15, 110-11.—530. Of the *Or Zarua'* there appeared in Jerusalem (1887-90) not only the three Babot (cp. p. 492), but also Sanhedrin and Abodah Zarah; now Freimann has edited Shabuot from this manuscript in the *Lewy-Festschrift*, pp. 10-32.—533³. The *ספר הנאולה* is now edited by Lipshitz from this MS. London, 1909. Before that an edition had appeared in New York, 1904, with notes of R. A. Werner of London referring occasionally to parallels in Nahmanides' commentaries under the title *ספר חשבון קץ הנאולה*; curiously enough in this edition we do not notice the numerous lacunae seemingly due to censorship which mar that of Lipshitz, although both are based on the same manuscript. The New York Seminary has a manuscript written by Shabbatai del Vecchio for Menahem Azariah of Fano in Mantua, 1579, after the same author's *תורת האדם*, which differs very little from the London MS.—593, p. 183. The missing Alphabets of Hadassi's *אשכול הכופר* were edited by Bacher, *JQR.*, VIII, 432-43.—693, p. 349 b. The quotations of this manuscript from Amram's *Siddur* are all taken from the *Tur*.—Finally, I may remark that Margoliouth still maintains the old spelling Adereth, although we know from Spanish sources that the name was Adret.

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ENGLISH-YIDDISH ENCYCLOPEDIA DICTIONARY

*English-Yiddish Encyclopedic Dictionary, a Complete Lexicon
and Work of Reference in All Departments of Knowledge.*

Prepared under the Editorship of PAUL ABELSON, Ph.D.

Published by the JEWISH PRESS PUBLISHING COMPANY,
New York, 1915. pp. xix + 1749. With numerous text
figures and eleven coloured plates.

THERE are in New York and many others of our large cities a vast number of intelligent and lettered Jewish immigrants who are hampered in their educational and other ambitions by the lack of adequate knowledge of the language of the country that they have made their haven. They have in many cases not only to cope with the intrinsic difficulties of acquiring a new language and culture under conditions of poverty that leave little leisure for study, and at a time of life that is past the stage of linguistic flexibility, but they have also to contend with a more subtle factor. The tendency of Jewish immigrants to congregate into colonies, combined with the rather high level of taste and culture brought by a large proportion of them from the old world, fosters the development and maintenance in America of a specifically Judeo-German (Yiddish) culture (literature, theatre, social and economic endeavour, and so on), which more or less adequately satisfies the intellectual and aesthetic demands of the immigrants and renders the necessity for their linguistic and cultural assimilation less immediately imperative than might be supposed. Not that the transplantation and further development of this Judeo-German culture is in itself a reprehensible phenomenon, but, if the rapid and thorough acquirement of English be set as a goal, the conditions outlined must frankly be recognized as constituting an obstacle.

While the *English-Yiddish Encyclopedic Dictionary* addresses itself to all Yiddish-speaking foreigners in America that are able to read their mother tongue and are desirous of gaining a knowledge, elementary or thorough, of the English language, it is probably to the more cultured type of immigrant that it will prove of the greatest use. It will doubtless do much to enable him to overcome the cultural resistance that we have indicated. Dr. Abelson and his collaborators deserve our warmest commendation for their successful solution of a unique and difficult problem. There is here offered to the Jewish immigrant a mass of adequately illustrated information which is hardly inferior in bulk or quality to that contained in the native American's *Webster*.

In fact, one wonders whether the repast is not a bit too sumptuous. It seems fairly obvious that a work of this kind must, in the nature of things, be transitional in character. In other words, its *raison d'être* largely ceases with the fulfilment of its aims, as the scaffolding is demolished with the completion of the structure. Under these circumstances, one is somewhat puzzled to find valuable space devoted to the explanation in Judeo-German (the entries are English, all the explanatory matter is in Judeo-German) of such words as *heteratomic*, *quinquefoliate*, *incombustibility*, and hosts of others. Surely, one fancies, the student who feels impelled to seek light on the meaning of words such as these is bound to have progressed far enough in his study of English to be able to consult English works of reference. It seems indeed a pity that space so disposed of—and it forms no inconsiderable portion of the book—was not rather devoted to fuller information on the bread-and-butter topics suggested by the humbler entries. For the greater familiarity thus gained with the form and subject-matter of American thought the inquiring immigrant would gladly, we venture to think, have dispensed with the frills and furbelows. So far, indeed, is the *Encyclopedic Dictionary* from exercising restraint in this regard that nearly every page betrays to the man of normal English speech his depths of ignorance. In the face of the editors' authority I

should certainly not care to dispute the existence of such words as *nival*, *nivous*, *ort* (translated into Judeo-German as: 'a remainder, a fragment, that which is left over and is to be thrown away'), *connexity*, *incogitantly*, and *interfenestral*, but I submit that I would have preferred to see these at best nebulous beings housed in some such thesaurus as the *Oxford N. E. D.* than exposed to the quizzical stare of the unappreciative foreigner.

Yet, in view of the magnitude of Dr. Abelson's accomplishment, it seems unkind to insist on shortcomings such as these. To make amends, he has very commendably devoted considerable space to the explanation of idiomatic turns of expression, those bugaboos of all foreigners. Thus, it is refreshing to find justice done to such collocations as *come-down*, *come down on*, *come in for*, *come out with*, *come upon*, *come to the scratch*, and numerous others.

In one important point (and this is the only really serious criticism that I would make) the dictionary proves a disappointment. This is in the matter of pronunciation. True, Judeo-German, with its simple vocalic system, is certainly one of the languages least adapted to transliterate a language with so difficult a phonetic system as English, but I cannot help thinking that the problem of suggesting an approximately correct English pronunciation might have been more satisfactorily solved. As it is, the transliterations adopted by the editors can only confirm those who use the book in precisely those faults of pronunciation that are characteristic of the Yiddish-speaking foreigners and which are apt to render their speech so disagreeable to Americans. I believe that an almost heroic attempt should have been made by the editors to convey some idea of the qualitative and quantitative nuances of the English vowels. If the use of at least certain diacritical marks would thus have been rendered unavoidable, no matter. If too great an expense would thereby have been entailed, it would have been excellent pedagogy and economy to have greatly decreased the compass of the book. Better half the number of pages and some indication, e.g. of the difference in pronunciation between the vowel of *fan* and that of *fen* (as it is,

they are so transliterated as to suggest an identical pronunciation, *fen*, for both). Nor is there anything to show that the *th* of a word like *this* is not identical with the *th* of a word like *thick*. And why, of all transliterations, is one chosen for *w* that necessarily suggests a pronunciation *hv* (incidentally *w* is not distinguished from *wh*)? But this is not the place to analyse the phonetic deficiencies of the work in detail. I wish merely to point out that the handling of the phonetic problem leaves much to be desired.

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THE MINOR IN JEWISH LAW

BY ISRAEL LEBENDIGER, Holyoke, Mass.

CHAPTER V. THE MINOR ORPHAN

A. THE SUPPORT OF THE MINOR DAUGHTER AFTER THE FATHER'S DEATH.

TWO great reforms took place in post-Biblical times concerning the protection of the female minor orphan. One of them is the support of the minor daughter after the father's death, from the property inherited by the sons. Biblically, the latter are the legal heirs. But the Rabbis made it a point of the marriage contract that the minor daughter be supported from the inherited property, even though the application of this law may result in the consumption of the whole property, and thus render the daughters instead of the sons the real heirs of the father.

In so far as this protection of the minor daughter was made a point of the marriage contract, the support of the minor daughters may be considered as a posthumous duty of the father, and, therefore, it was dealt with more fully in the chapter on 'The Duties of the Father'. But inasmuch as the cause for this reform is the attempt to protect the female minor orphan in her helpless state, this chapter dealing with the 'Minor Orphan' will not be complete if no reference is made to the topic just mentioned.

B. THE MARRIAGE OF THE MINOR DAUGHTER, AND THE MI'UN INSTITUTION.

The reform concerning the support of the minor daughter after the father's death did not seem to protect her fully. It seems that circumstances arose which rendered unsafe the innocence and chastity of the minor daughter.²²⁵ This condition gave rise to another great reform, which developed into a regular institution in Jewish life.

Biblically only the father has the power to give his minor daughter in marriage. In order to remedy the evils mentioned in the last paragraph, the Rabbis instituted that the mother or the brothers may secure the protection of a husband for the minor orphan daughter by giving her in marriage.

Of course when we say 'instituted', we do not mean that the Rabbis introduced something new. The giving of the minor daughter in marriage by the mother or the brothers certainly did not originate in an enactment of the Rabbis, but existed as a practice among the people, to which the Rabbis merely gave their sanction. Thus the Rabbis invested the mother and brothers with a power not possessed by them before.

Yet this power of the mother and brothers is different from the same power exercised by the father. The power of the father to give his minor daughter in marriage is his exclusive right, and, therefore, he need not legally consult his daughter when he wants to exercise it. But the law giving the brothers and mother the same power was established primarily for the benefit of the daughter. This law meant, then, to secure a right neither for the mother nor for

²²⁵ Yeb. 112b; see *ibid.*, Rashi.

the brothers, but for the minor daughter. Consequently, the mother or the brothers can exercise the power of giving the orphan daughter in marriage, only when they obtain her consent.²²⁶

But while the reform brought protection and happiness to some orphans, it certainly marred the happiness of others, since the females who entered into such marriages were of an age at which they did not have intelligence enough to make a proper choice. To offset this evil, another institution arose, which, not less than the giving of the minor daughter in marriage by the mother and by the brothers, is a reform of post-Biblical times. This institution is spoken of by the Rabbis as *Mi'un*, meaning refusing or objecting, and consists in the power the minor female orphan possesses of invalidating the marriage contracted for her either by the mother or brothers.²²⁷ *Mi'un*, as we shall see later, is different from and does not necessitate any bill of divorce. It is simply an objection on her part to live any more with her husband, the procedure of which is performed with very little formalities.

The establishment of this institution appears to involve a disregard of certain Biblical rules. (1) According to the Bible, the separation between wife and husband can be caused only by the will of the latter, and can be effected only by a process in which the latter is the main actor. In the case of *Mi'un*, the invalidation of the marriage is caused by the will and the action of the wife. (2) The procedure of *Mi'un* is different from the procedure of divorce. (3) Biblically, the action of a minor in matters which require intention, or intelligence, is invalid. According to one opinion, she cannot even become the passive recipient

²²⁶ *Ibid.*, XIII, 2.

²²⁷ *Eduyyot* VI, 1.

of the bill of divorce to invalidate the marriage contracted for her by her father.²²⁸ And yet the Mi'un must not be considered either a violation of the Biblical law, or a substitution for the bill of divorce. It is the Rabbis who acknowledged the validity of the marriage of the minor daughter after the father's death, and it is they, who, therefore, have the power to provide means for invalidating this marriage.²²⁹

The marriage of the female minor orphan is valid, if at least she is intelligent enough to take care of the objects presented to her as the instruments of marriage.²³⁰ Otherwise, the marriage is void, and does not necessitate even the process of Mi'un for its invalidation. According to Maimonides,²³¹ this mental ripeness begins at the age of six.

According to R. Eliezer, the marriage in question binds only to the extent of requiring Mi'un for its invalidation. Otherwise, it does not cause any legal conjugal relationships.²³² The husband, for instance, has no right to the objects that she may find, or to her service. He does not possess the power to annul her vow. He does not inherit her property after her death. R. Joshua maintains the opposite view. According to him, she is considered as his wife in every respect, with the exception that the marriage can be invalidated by a Mi'un.²³³ All agree, however, that in case she does invalidate the marriage by Mi'un, the very act of marriage is considered as void, and the relationship between the minor and the person she

²²⁸ See above, ch. IV, section dealing with divorce of the minor.

²²⁹ See Ycr. Yeb. XIII, 1.

²³⁰ Yeb. XIII, 2.

²³¹ Yad, Ishut IV, 6; Gerush II, 7.

²³² Ket. 101 a; Yeb. 108 a.

²³³ *Ibid.*

married was not a conjugal one.²³⁴ Therefore, the minor loses her right to the Ketubbah, to support in case she borrowed money to support herself in the absence of the husband, and some other rights.²³⁵ She may also marry afterwards those members of his family whom she would be prohibited to marry, had the Mi'un only the effect of a bill of divorce and vice versa.²³⁶ He may marry her again after she has been married and divorced by another person.²³⁷

The school of Shammai tries to limit the power of Mi'un. According to this school, it can invalidate only a betrothal, but not a marriage, and can be exercised only against the husband, but not against the Yabam (the brother-in-law who is to perform the Levirate at the death of his brother). The school of Shammai also maintains that the procedure of Mi'un must take place in the presence of the husband and of the court, and that she can exercise it only once.

The attitude of the House of Hillel is more liberal towards the exercise of Mi'un. According to this school, Mi'un can annul a marriage as well as a betrothal; it can be exercised either against the husband or against the Yabam; it does not require the presence either of the husband or of the court; she has also the power of exercising this right more than once.²³⁸

Yet in practical life, the school of Shammai was not strict in its regulations. It admitted that under certain circumstances its prescriptions can be disregarded. This school, therefore, approved the action of the Rabbis in a certain case, though it was a question of annulling a marriage, and though the Mi'un took place without the

²³⁴ Yeb. 107 b.

²³⁶ Yeb. 105; Ket. 101 a.

²³⁵ Ket. XI, 8.

²³⁷ Yeb. 108.

²³⁸ Yeb. XIII, 1.

presence of the husband. The bad treatment the woman received at the hands of her husband justified the Rabbis in making an exception and declaring the *Mi'un* valid.²³⁹

The Rabbis maintained that the school of Hillel excludes the necessity of the presence only of ordained judges, but not the presence of three ordinary judges.²⁴⁰ It seems, however, that originally only the presence of two was necessary, and these acted more as witnesses than as judges.²⁴¹

There was no special form in which the minor daughter had to express her objection to the marriage. All that she had to say was, 'I refuse to live with my husband; I object to the marriage contracted for me by my mother (or by my brothers)'.²⁴² Nor was there any special occasion, or special place necessary when she had to make that statement. The court acted on her objection even though she uttered it while she was preparing herself for the

²³⁹ Yeb. 107 b.

²⁴⁰ Yeb. 107 b. The Tosefta (Yeb. XIII, 1) says expressly that Bet Hillel required the presence of three judges. But it is probable that the words 'unless there are three' is a later addition based on the comment of the Rabbis quoted in the text.

²⁴¹ This can be proved by the following: (1) The Talmud (Yer. Sanh. 1, 2) reads *בראשונה היו כותבין שטרי מיאונין במעמד פלוני ופלוגי מיאנה*. It seems that the Talmud takes the words *פלוגי ופלוגי* to show that only two were necessary, and, therefore, quotes the Baraita in contradistinction to the Mishnah, which necessitates the presence of three (Sanh. 1, 2). The Babli (Yeb. 107 b, 109 a) quotes a similar Baraita beginning with the word *בראשונה*, pointing out some other difference between the earlier and the later form of *Mi'un*. Perhaps the reading of Yer. was the same as that of Babli, only that the second part was lost later. Some scholars still hold that the presence of two is sufficient (Tosef. Yeb. XIII, 2). The Babli maintains, however, that they changed their view (Yeb. 101 b). That the presence of three was not necessary can be inferred from what will follow in the next paragraph in the body of the essay.

²⁴² Tosefta Yeb. XIII, 2; Yeb. 107 b, 108 a.

marriage, or while she was buying goods in the shop.²⁴³ Sometimes the Mi'un did not consist of an expressed statement, but of an objection implied in her actions. Her marriage to another, for instance, was considered as implying a protest against her first marriage.²⁴⁴

The protest was then written up in a document, and signed by those who witnessed it.²⁴⁵ The contents of the document, or, as it is called, the *Get Mi'un*, were written up in a definite form, which in course of time underwent several changes. Originally, it read, 'In the presence of . . . and of . . . the daughter of . . . protested against . . . son of . . . (and said,) I do not want to associate with him; he is not worthy of it; I do not want to be married to him'. But the fear arose lest some ignorant scribe (on account of the many words the *Get Mi'un* contained) might mistake it for a regular bill of divorce. The Rabbis, therefore, reducing the number of words, changed the form to the following: 'On the . . . day, . . . daughter of . . . protested in our presence.' In post-Talmudic times, we find the following form: 'On . . . (day of the week) the . . . day of the month . . . in the year . . . according to the . . . era . . . daughter of . . . protested before us and said: my mother (or my brothers) deceived me and gave me in marriage (or betrothed me)

²⁴³ This shows clearly that no presence of a court was necessary at the time when she made the objection.

²⁴⁴ Yeb. 108 a.

²⁴⁵ It must be kept in mind that the invalidation of the marriage was caused by the expressed or implied objection, but not by the document. The Mi'un document does not at all have the nature of a bill of divorce, and, therefore, is not to be written according to the latter's regulations (*Yad. Gerush. XI, 11*; *Eb. Haez. 155, 7*). The Mi'un certificate is given to her merely with the view of providing her with documentary evidence of her Mi'un.

to son of and now I declare before you that I do not desire him. We have examined this and are satisfied that this girl is yet a minor, and have written, and signed, and given (this) to her as a document and as a clear proof.²⁴⁶

So far for the legal aspect of Mi'un. There is also much to be said concerning its moral side. We find authorities as early as the first century C.E. being unfavourably disposed towards the marriage of the minor daughter contracted for her by her mother, or by her brothers, and towards the exercises of the Mi'un institution. We have seen, before, how R. Eliezer tried to minimize the binding power of such marriages. We have also seen how the school of Shammai tried to lessen the cases in which Mi'un should be of any account. In Amoraic literature we meet Rabbah and R. Joseph, who give as the reason for the restrictions set on Mi'un by the school of Shammai, the moral principle that it is objectionable to have the Mi'un render illegitimate one's intercourse with his wife.²⁴⁷ Bar Kappara counts Mi'un among the things from which a man should keep himself afar.²⁴⁸

In the time of the Geonim, Mi'un was greatly discouraged, a fact due largely to the opposition of the Karaites.²⁴⁹ To prevent the occurrence of the Mi'un, the marriage of the minor daughter was discouraged altogether.²⁵⁰ In France and in Germany the practice of Mi'un was much in vogue; some of the authorities of these places even protested against those who wanted to

²⁴⁶ Yad, Gerush. XI, 11.

²⁴⁷ Yeb. 107.

²⁴⁸ Yeb. 109 a.

²⁴⁹ Gan Eden 144 b. See also Löw, *Lebensalter*, pp. 178, 179.

²⁵⁰ Hag. Maim. Gerush. 11, 3; Tos. Yeb. 109 a.

limit the exercise of Mi'un.²⁵¹ Later, however, it met with opposition which reached its climax in the fifteenth century, in the person of R. Menahem b. Phinehas of Merseburg, who declared that those who abided by the Mi'un practice have thereby incurred the consequences of the ban. Some authorities defended, and some attacked this attitude of R. Menahem.²⁵² Mi'un was still practised in different communities, and sanctioned by different Rabbis,²⁵³ until the time came when that which could not be abolished by law or authority was eradicated by necessity. More details about the history of Mi'un in post-Talmudic times can be found in Löw, *Die Lebensalter*, 177-84. The age up to which the minor daughter can exercise this right was discussed in a previous chapter. The right of Mi'un exercised by the so-called 'Orphan during her father's life' will be discussed in the next chapter, dealing with the rights of the minor.

C. GUARDIAN AND WARD.

A guardian over the minor orphans can be appointed either by the father or by the court.²⁵⁴ The appointment by the father is valid only when it was made shortly before the latter's death, with the express purpose of having some one to take care of the orphans. But one who has been given the power by the father to superintend his property during his life, does not, on that account, retain the same power after the death of the father.²⁵⁵ The court can appoint a guardian only when the father failed to do

²⁵¹ Or Zarua'l, 686. See also references in previous note.

²⁵² Yam sheel Shelomoh Yeb. 13, 17.

²⁵³ See Eben ha-Ezer, 155, 22, gloss of Isserles; Pithe Teshubah, *ibid.*

²⁵⁴ Git. 52a.

²⁵⁵ Responsa Rash. 62; Hoshen ha-Mishpat 290, 1, gloss of Isserles.

so. Nor can the court exercise this power when the father has expressed his objection to it.²⁵⁶ The court may, however, in the absence of a guardian, take the place of one, and supervise the estate of the orphans.²⁵⁷ If one acts on behalf of the orphans, and lives together with them, he has the status of a guardian, though he was not appointed as one.²⁵⁸

The Jewish law does not seem to recognize what is called the natural guardian, i.e. one having the status of a guardian by virtue of his kinship with the orphans. As a matter of fact, Jewish law puts limitations on the appointment of a relative as a guardian.²⁵⁹ The court, however, must not appoint a guardian if the brothers of full age are willing to co-operate as partners with the minors.²⁶⁰

The Jewish law does not differentiate consciously between the guardian over the person of the minor (tutor), and the guardian over the estate of the minor (curate). Yet it seems that primarily the guardian was appointed over the estate of the minor,²⁶¹ but that, at the same time, he exercised also powers that had to do with the person of the minor.²⁶²

²⁵⁶ *Ibid.*

²⁵⁷ Responsa Rashba 974.

²⁵⁸ Git. 52 a; Pitḥe Teshubah, Hoshen ha-Mishpat 290, 5.

²⁵⁹ Hoshen ha-Mishpat 290, 2.

²⁶⁰ See *ibid.*, Be'er Hag. 2; Tos. Kid. 42 a.

²⁶¹ This can be inferred plainly from the last law in the last paragraph. If a guardian cannot be appointed primarily over the estate of an orphan, why should then the willingness of the older brothers to co-operate as partners with minors, affect in any way the legitimacy of appointing a guardian?

²⁶² This is to be inferred from the fact that the guardian is to provide the minor with a Lulab, Zizit, and a Sukkah, a function that certainly relates to the person of the minor.

A guardian can be appointed also merely to perform special functions. He can be appointed as what is known guardian *ad litem*, i.e. the legitimate representative of the orphans in a suit in which they are the defendants. But the representation is given recognition only when the verdict turns out to be in favour of the orphans.²⁶³ According to R. Johanan, if the appointment has been made, and the verdict announced, the decision of the court is valid, even if it is against the interests of the orphans.²⁶⁴

Yet the court is obliged to appoint a guardian to take care of a *shor ha-mu'ad* (an ox, the malicious nature of which has been established by his having gored three times), though this action will result in responsibilities in case the ox will gore again;²⁶⁵ for in this case the evident purpose of the appointment is not to create possibilities for the recovery of damages, but simply to prevent any injury being done by the ox. There is, however, much discussion as to whether we appoint a guardian to take care of a *tam* (an ox that did not gore three times).²⁶⁶

²⁶³ Git. 52a.

²⁶⁴ Yer. Git. V, 4. The opinion of R. Johanan is not found in Babli.

²⁶⁵ Yer., *ibid.*; Babli B. K. 39a.

²⁶⁶ B. K. 39. The inference of the Talmud from the first part of the Mishnah (*ibid.*) that they do not appoint a guardian to watch a 'tam' is not convincing, for it is possible that the first part does not speak at all of whether we appoint a guardian to take care of a 'tam'. The Mishnah tells us simply that when there is no guardian the minors are not responsible. Tos. (*ibid.*) saw this difficulty and tried to explain it, but the explanation is hardly satisfactory.

The Talmud Babli finds a difference of opinion in the Tosefta (B. K. IV) as to whether we appoint a guardian to watch a 'tam' (B. K. 39b). Neither is the arguing of the Babli here convincing. It is possible that R. Judah b. Nekusa speaks of a case when there is no guardian altogether, the word לעולם implying that it can never become a 'mu'ad' in the absence of a guardian. But he admits that we appoint one to watch a 'tam'. R. Jose

When the property consists of cash money, no guardian is necessary to be appointed over it. The court deposits it with a person, with whom the chances of gain should be greater than those of loss (Hoshen ha-Mishpat, 290. 8).

The court cannot appoint a guardian either a woman, a slave, a minor, or a man whose honesty may be doubted. They can appoint only one who is upright and skilful, who will know how to act in favour of the orphans, plead their cause, and who has a knowledge of worldly affairs. We cannot, however, remove persons of the former class from the guardianship, if they have been appointed by the father.²⁶⁷

A post-Talmudic institution was the writing of an inventory at the time of the appointment, in which an account was entered of all the property that is to be supervised by the guardian, one copy being given to him, and another retained by the court.²⁶⁸

in turn deals with the appointment of a guardian, and accordingly gives his view. Thus each one says something different, and they do not differ at all with each other.

Tos. and Rashi (*ibid.*) try to give reasons for the law that we do not appoint a guardian to take care of a 'tam'. Their reasons are not satisfactory. The real reason for it is the law that we do not appoint a guardian when it is against the interests of the minors. It is true that when the animal is a 'mu'ad' we do appoint a guardian, for then the animal is a source of danger to the community, and by appointing one, we try merely to avoid the danger. But there is no danger when the animal is a 'tam', and the appointment of a guardian, therefore, would merely mean the creation of a possibility of holding the orphans responsible, which is against the law. This reason is given in Yer. Git. V, 4. The Yer., however, does not make any distinctions between a 'tam' and a 'mu'ad' in this respect. In giving this reason, we should count as the Yer. (*ibid.*) does, with the difference of opinions, as to whether the guardian or the orphans are to pay for the damages.

²⁶⁷ Tosef. Ter. 1, 2; B. B. VIII, *ibid.*

²⁶⁸ Hoshen ha-Mishpat, 290, 3. This does not imply that the guardian

The powers possessed by the guardian are only those, the exercise of which is in favour of the orphans. He may set aside Terumah and tithes from the grain necessary for the domestic use of the minors. He has the power to sell any of their possessions, when the returns are necessary for their support. He has the power to spend funds for their religious training in connexion with things which have a non-continuous expense, as, for instance, buying a palm, buying fringes of a garment, or erecting a tent at the feast of Tabernacles; but not in connexion with things which do have a continuous expense, as, for instance, contributing to charity, and redeeming captives.²⁶⁹

He must not sell land in a distant place in order to buy one in a nearer place, nor of a poorer quality in order to buy one of a better quality, as this change may not turn out to be of benefit to the orphans. For the same reason, he must not sell land in order to buy slaves, but he may sell slaves in order to buy land. According to R. Simon b. Gamaliel, he must not effect even what seems to be a change for the better, for there is still the possibility that it may turn out to be injurious to the interests of his charge.²⁷⁰

The guardian is not considered the real owner of the property, and, therefore, cannot emancipate any of the slaves. He may, however, effect an emancipation by selling the slaves to another man, who in turn may set them free. Rabbi Judah holds that the guardian can
is to furnish a final account which is to be compared with the first account. As it will be shown later, no final account was necessary. This document was merely used as a reference in case the orphans presented definite claims against the guardians (*ibid.*).

²⁶⁹ Tosef. Ter. I, 2; Git. 52a; Tosef. B. B. VIII, 14.

²⁷⁰ *Ibid.* and Tosef. B. B. VIII, 15.

emancipate the slave directly, if the latter pays his selling price.²⁷¹

The court has control over the guardian, and it may, therefore, remove him whenever it finds it necessary. It may remove him, for instance, when he is found to waste the orphan's property.²⁷² It may remove him if at any time during his term of charge he begins to live at an expense higher than that which his means allow him, and thus arouses the suspicion that he uses the estate of the minors.²⁷³ Suspicion, however, is ground for such an action only when the guardian is appointed by the Court; but not when he is appointed by the father.²⁷⁴

If, however, the interests of the orphans demand that the social standing of their guardian should be higher, and consequently that he should live up to it, he is allowed to use their estates.²⁷⁵ Relatives of certain orphans complained before R. Nahman that a guardian dressed himself from the estates of the minors. R. Nahman pacified them by saying that he does it in order that his words may carry weight with the people, and that he shall thus be influential, when he will have to act on behalf of the orphans.²⁷⁶

The guardian should not, lest he lose the case, enter into a suit representing the orphans.²⁷⁷ If, however, he did enter into it, the verdict is valid only if it is in favour

²⁷¹ R. Judah considers such a procedure one of transaction, and not one of emancipation. The slave purchases himself, as it were, from the guardian, and then emancipates himself.

²⁷² Git. 53 b.

²⁷³ Git. 52 b.

²⁷⁴ Hoshen ha-Mishpat, 290, 5; Be'er. Hag., *ibid.* 50.

²⁷⁵ Git. 52 b.

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.* 52 a; Hoshen ha-Mishpat, 290, 12. This is in order not to abuse the other party, which must always lose in the trial with the guardian. See Be'er. Hag., *ibid.* 20.

of the orphans. This, of course, agrees with the general principle that the actions of the guardian are authoritative only when they are in favour of the orphans. For the same reason, the division of the estate among the minors, by the guardian, is not valid if they are not satisfied with their shares after they grow up.²⁷⁸ R. Nahman holds, however, that the division is valid.

The guardian is not responsible, in case an article has been lost or stolen, since this damage is not due to his negligence, but he is responsible for damages due to his negligence.²⁷⁹ If, however, he has been appointed merely for the purpose of preventing any damages that may be caused by the property of the orphans, as, for instance, when he has been appointed to take care of a *shor ha-mu'ad*, then the guardian is responsible on the occurrence of such damages, for the simple reason that, otherwise, people will decline the appointment of guardianship for such a purpose.²⁸⁰ Yet R. Jose b. Hanina holds that even in the latter case the guardian first compensates for the damages from his own estate, and is then reimbursed by the orphans when the latter grow up.²⁸¹

²⁷⁸ Kid. 42 a. A reason for the view of R. Nahman, and for the fact that the guardian may divide the estate among the minors, in spite of the doubt that the division may be unsatisfactory to the orphans, can be found in Tos. (*ibid.*).

²⁷⁹ Tos. B. K. 39; Tos. Git. 52 b.

²⁸⁰ *Ibid.*

²⁸¹ B. K. 39. The words 'and they are repaid from the orphans when they (the orphans) grow up' in the statement of R. Jose, is a later addition. The Yer. does not have it (Git. V, 4). Nay more, there is even a proof that, according to Yer., the guardian is not reimbursed by the orphans. The Yer. makes the view of R. Jose correspond with the opinion that we appoint a guardian over a 'shor mu'ad', declaring that since the guardian is to make good for the damages, such an appointment is not against the principle that we do not appoint a guardian when it is against the interests

When the orphans grow up, the guardian returns to them their funds, and gives them, according to R. Judah, an account of his management. R. Simon b. Gamaliel holds that he is relieved from giving an account.²⁸² According to one opinion, a guardian appointed by the father does not take an oath at the return of the estate, that he did not appropriate for himself any of the possessions of his charge, for the duty to take such an oath may discourage people from undertaking the responsibilities of guardianship. But, when the guardian is appointed by the court, this discouraging element is counterbalanced by the pleasant feeling one has at the fact that the court has confidence in him, and, therefore, there is no objection to administering him an oath. The majority of scholars hold the opposite view. According to them, since the guardian receives no compensation for his service, this harmful result is to be more feared when he is appointed by the court. But the father usually appoints one upon whom he has conferred favours, and, therefore, the latter will not, on the ground of the oath, refuse to please the father by accepting an appointment.²⁸³

This difference of opinion has to do only with an oath not called forth by a definite claim of the orphans. If, however, the orphans claim that the guardian has not been honest in his charge, all agree that we administer to him an oath in every case.²⁸⁴

There is also a difference of opinion among post-Talmudic scholars as to whether the one who assumed

of the orphans. But this reasoning has no basis if the orphans are finally to suffer for it.

²⁸² Git. 52a; Tosef. Ter. 1, 2; B. B. VIII, 15.

²⁸³ *Ibid.*

²⁸⁴ Hoshen ha-Mishpat 290, 16.

to act as guardian, without being appointed as one, is bound to take an oath in the absence of a definite claim.²⁸⁵

The guardian is to be compensated if he supported the orphans from his estate. If, however, he expressed himself to the effect that he did it as charity, he loses all claims of compensation.²⁸⁶

D. ATTACHMENT ON THE ESTATE OF MINOR ORPHANS.

An attachment will not be issued on the estate of minor orphans to pay the father's debts, except in the cases given later.²⁸⁷ R. Papa accounts for this law by the fact that the payment of a debt is a virtuous act, and virtuous acts are not obligatory upon orphans.²⁸⁸ This reason is almost unanimously ignored.²⁸⁹ R. Nahman who, according to R. Papa, acted on the former principle, afterwards changed his mind, and said: 'The orphans who support themselves from that which does not belong to them, should follow the path of their deceased father (i.e. should meet death).' ²⁹⁰

²⁸⁵ Tur. Hosh. ha-Mishpat 290, B.

²⁸⁶ Hosh. ha-Mishpat 290, 25.

²⁸⁷ Arakin 22 a; Yer. Ket. IX, 7; Git. V, 2.

²⁸⁸ Arakin 22 a; B. B. 174; see *ibid.*, Rashbam.

²⁸⁹ Evidently R. Papa takes the statement *פריעת ב"ה מצוה* to mean that to pay a debt is only a virtuous act. As a matter of fact, it means that to pay a debt is also a virtuous act, besides being one in which a legal duty is fulfilled. Now, if this legal duty is transmitted to the children, there is no reason why they should be exempt from its fulfilment, though it is not obligatory on them as a virtue.

²⁹⁰ Arakin 22 a. It seems from the Talmud that as a result R. Nahman began to issue attachments. It is difficult to see how he could act thus against the general principle that attachments are not issued on the estate of minor orphans. It is still more surprising that the Talmud makes no remark about it.

The reason given by R. Huna for the rule is the fear lest the father paid the debt to his creditor, and insufficient time elapsed before the former's death to have the bill withdrawn from the latter.²⁹¹ Raba goes further and says that there is the possibility that the father possessed a receipt for the payment of his debt, which the orphans cannot find.

If, therefore, there is evidence that the debt has not yet been paid, the court will issue an attachment.²⁹² This is

²⁹¹ Arakin 22 a ; B. B. 174.

²⁹² *Ibid.* According to R. Papa, we see the reason why the Court does not issue an attachment on the estate of the minor, and issues on the estate of the orphan of full age. Virtuous acts are obligatory on the latter, and not on the former. But the reasons given by Raba and Huna should hold good even with regard to the estate of orphans of full age. All commentators and codifiers unanimously take the discussion in Arakin 22, which is the main source of this law, to deal with an estate of a minor orphan (see Tos. and Rashbam, B. B. 147 a ; Tos. and Rashi, Arakin 22 a ; Tos. Ket. 86, 87 ; Hoshen ha-Mishpat 108, 3 ; 110). This, however, is not evident from the text itself. It is also hard to understand why the Talmud does not remove the difficulties raised against the view of R. Asi from the passages beginning with *שום היתומים*, with *אין נפרעין*, and with *ע"מ ליתן*, by saying that these passages deal with the issuing of an attachment on the estate of orphans of full age. Tos. in Ket. hints at this difficulty. But the explanation of Tos. is not satisfactory. In the first place, it is contrary to the view in the Talmud (Git. 50) which assumes that the statement beginning with the words *אין נפרעין* refers also to the estate of orphans of full age. And in the second place, the explanation of Tos. does not suffice as an answer to the question, why does not the Talmud take the passages beginning with *שום היתומים* and with *ע"מ ליתן* to deal with orphans of full age ?

With regard to the reason of Raba, we may concede and say that when they shall have grown up the orphans will be more skilful in finding the receipt of their father. But it is hard to see how, according to R. Huna, the ripe age of the orphans affects our suspicion of the father having paid his debts before he died.

We should also note that an attachment for a loan not entered in a document, or for a loan entered in a document which has not been verified, cannot be issued even on the estate of orphans of full age (Hoshen ha-

true in case the father acknowledged the debt before his death,²⁹³ or in case the loan was made for a certain period of time, and the father died before the period expired. In the latter case, it is assumed that a man does not pay his debt before the time is due.²⁹⁴

The court also issues an attachment in case the court excommunicated the father, while he was alive, for not paying the debt. Any suspicion that the father may have paid is removed in this case by the fact that had he done so, he would have done it through the court, in order to remove its ban.²⁹⁵

In these three cases, an attachment is issued even for a loan not entered in a document.²⁹⁶ But in the case where the loan was made for a definite period, the attachment lies only, if the witnesses who verify this condition gave their testimony before the father died. The law does not accept the testimony of witnesses in the absence of the second party, or in case the testimony is against persons who do not possess legal capacity. Since the minor does not possess legal capacity, testimony against him cannot be accepted.²⁹⁷

Under urgent circumstances, an attachment is issued, even when there is no evidence that the debt has not been paid. Such is the case when a speedy payment of the

Mishpat 108, 1; B. 175). The only difference, then, between orphans of full age and minor orphans with regard to issuing an attachment will be in reference to a loan entered in a document which has been verified (Hoshen ha-Mishpat 108, 3). But it does not seem probable that such a sweeping statement as אין נוקקין לנכסי יתומין אלא א"כ רבית אוכלת בהן should merely have in view the elimination of an attachment on the estate of minor orphans with regard to this one kind of loans.

²⁹³ Arakin 22; B. B. 174.

²⁹⁴ B. B.

²⁹⁵ Arakin 22; see *ibid.*, Rashi.

²⁹⁶ Hoshen ha-Mishpat 108, 3.

²⁹⁷ Tos. B. B. 5 b.

debt will prevent the orphans from suffering any losses. Therefore, an attachment is issued when the debt bears interest.²⁹⁸ As a Hebrew is not allowed to take interest from another, such a case can, therefore, only happen when the loan was made from a Gentile who has voluntarily submitted himself to Jewish jurisdiction in everything except with regard to taking interest.²⁹⁹ R. Johanan holds the view that an attachment is issued for the Ketubbah of the widow, because the orphans are thereby benefited in that they do not have to support her.³⁰⁰

An attachment also lies, in case the father said before his death: 'Give a hundred *uzuzim* (a kind of coin) or a field to so and so.' A guardian is appointed in this case to see that the selection is not made from the better portions of the field.³⁰¹ Yet if the orphans have acquired property illegitimately, it is restored to the real owner, and no appointment of a guardian to represent the orphans in the trial is necessary. In such a case, the court itself acts on the testimony of the witnesses.³⁰² If, however, the orphans base their claims on the fact that it was occupied unchallenged by their father, the court postpones the trial until they grow up.³⁰³

An attachment is issued for a loan which either the guardian or the court incurs for the subsistence of the orphans.³⁰⁴ The reasons against the issuing of an attach-

²⁹⁸ Arakin 22; Hoshen ha-Mishpat 110, 1.

²⁹⁹ *Ibid.*

³⁰⁰ *Ibid.*, Yer. Ket. IX, 7; Git. V, 2.

³⁰¹ Arakin 22 b.

³⁰² *Ibid.* Yet, according to Maim., even in this case a guardian is appointed (Yad, Malveh ve-Loweh XII, 5).

³⁰³ B. K. 112 b; Maim., Malveh ve-Loweh 12, 3; gloss of Isserles. See also *ibid.*, Be'er. Hag. 80.

³⁰⁴ This is the opinion of Maim. and the Rash. There are, however, authorities who differ with them (see Rash. Ket. 100; Hoshen ha-Mish.

ment for a loan made to the father do not hold good when the loan is made for the benefit of the orphans. Even R. Papa agrees with this view, for virtuous acts are binding on both the court and the guardian.³⁰⁵

The Mishnah has the statement that payments are to be made only from the worst portions of the fields inherited by the orphans.³⁰⁶ In the Babylonian Talmud the question is raised, whether this law applies also to the estate of orphans of full age, and the decision is given in the affirmative.³⁰⁷ The Palestinian Talmud says expressly that it applies only to the estate of minor orphans.³⁰⁸

E. ADVANTAGES IN PURCHASE.

The general protection which the Jewish law extends to minor orphans reveals itself also in some advantages which the latter enjoy in matters of purchase. Secular purchases are made by means of *meshikah* (pulling or moving the article).³⁰⁹ Goods bought for or from the Temple change ownership by the payment of money when that is to the advantage of the Temple. Now, then, the Jewish law declares that the estate of the minor orphans has the status of the estate of the Temple with regard to purchase, if it is for their advantage that the sale be transacted by the payment of money. If, however, the interests of the orphans demand that a purchase made by means of pulling be valid, the estate of the orphans has then the status

110, 8). The objections of the latter against this law have certainly some basis, which needs consideration.

³⁰⁵ Consideration may be given to the question whether, according to R. Jose b. Hamina (B. K. 39a), the payment is to be made from the estate of the guardian or of the orphans (Rash., *ibid.*).

³⁰⁶ Git. 48 a.

³⁰⁷ Git. 50.

³⁰⁸ Yer. Ket. IV, 7; Git. IV, 2.

³⁰⁹ Kid. 28 b.

of a secular estate, and the transaction is accordingly unretractable. The one, therefore, who bought an article from the orphan, the 'price of which increased after he committed the act of pulling, cannot retract the transaction.'³¹⁰

F. DEBTS TO ORPHANS AND THE SABBATICAL YEAR.

According to Jewish law, debts are forfeited during the Sabbatical year. Hillel secured the debts for the creditor by his enactment of the 'Prosbol' (a document which the creditor submits to the court, and is signed by the latter), by which the debt is transferred to, and reclaimed by the court from the debtor.³¹¹

No submission of a 'Prosbol,' is necessary for loans owed to minor orphans. The court gains power of action against the debtor by the fact that it stands in a parental relation to the orphans.³¹²

CHAPTER VI. POWERS AND RIGHTS OF THE MINOR

A. TRANSACTIONAL AND CONTRACTUAL POWERS.

THE underlying principle of the attitude of the Rabbis with regard to the problem of the powers of the minor is a purely psychological one, and is couched by them in the few words *לוי משה ואין לו מחשבה* 'he has (capacity of) physical action, but not of intention'.³¹³ Only such actions of his are valid which require pure physical

³¹⁰ Kid. 29 a.

³¹² Git. 37 a; B. K. 37 a.

³¹¹ Git. 52 a.

³¹³ Makshirin VI, 1; III, 8.

capacity, but not those which require mental capacity. This point of view of the Rabbis will help us to explain many points, and attention will be called to it wherever necessary.

A minor under the age of six, or according to one opinion under seven, and under nine according to a third opinion, has no contractual powers whatever. Above the age of six, seven, or nine, according to the respective opinions, he can sell or buy movables but not immovables.³¹⁴ Real estate or immovables he cannot sell before he is eighteen according to R. Nahman, and before he is twenty according to R. Huna.³¹⁵ If, however, one shows exceptional cleverness, and is very skilful in matters of purchase, Raba maintains that his sale of real estate is valid, even though he is not twenty.³¹⁶

It is morally wrong to take away an article that is found by the minor. R. Jose says that it is legally wrong.³¹⁷

The minor cannot, because of lack of contractual powers, emancipate the slaves he inherited from the father. If the emancipation of a slave is desirable, then a guardian is to be appointed for that purpose.³¹⁸

For the same reason the minor cannot set aside Terumah.³¹⁹ Rabbi Judah, however, maintains that his

³¹⁴ Git. V, 7; Gem., *ibid.* 59 a. This is a later Rabbinical enactment, and is due, as the Talmud properly remarks (*ibid.*), to the attempt of the Rabbis to procure for the minor a medium by which he could buy his daily necessities.

³¹⁵ B. B. 155 a. The attainment of an old age for the power to sell immovables is required as a check to hasty and imprudent sales. One is to be more scrupulous in selling immovables than movables, as the former cannot easily be acquired.

³¹⁶ B. B. 155 b; see *ibid.* Rashbam.

³¹⁷ Git. V, 8.

³¹⁸ Git. 40; Löw, *Die Lebensalter*, 150-55 a.

³¹⁹ Terumot II, 1.

setting aside the Terumah is binding.³²⁰ R. Jose says that he can set aside Terumah the moment he reaches the age when his vows begin to be valid (twelve and one day for a boy, and eleven and one day for a girl).³²¹ Nor can the minor set aside tithes.³²²

According to R. Asi, the moment the minor is able to distinguish between a nut and a splinter, he can acquire ownership of an object by his own act for himself, but not for others. But when he has already intelligence enough to return, upon request, an object that is given to him, he can acquire ownership also for others. Samuel holds that in both cases he cannot acquire ownership for others.³²³ The Tosafot distinguish between when there is one who gives possession to the minor and between when such a factor is absent. In the former case, the minor possesses the power of acquisition by virtue of a Biblical statute, while in the latter case he possesses this power by virtue only of a Rabbinical enactment.³²⁴

According to Jewish law, slaves of a person who has no heirs—as a proselyte, for instance, who died childless—are emancipated after the death of their master, for they take possession of themselves. But minors who do not have the power to acquire ownership of objects in the absence of a person who gives possession, are not emancipated by the death of their master.³²⁵

³²⁰ Terumot I, 13.

³²¹ *Ibid.*

³²² Ma'aser Sheni IV, 4; Git. 65. See *ibid.* Tos. The question of Tos. is sound. Its answer is not satisfactory. Nor can we accept conscientiously the Talmudic assertion (*ibid.*) that the Mishnah of Ma'aser Sheni IV, 4 speaks of tithes, the duty to set aside which is only Rabbinical.

³²³ Git. 64 b. See *ibid.* Tos.

³²⁴ *Ibid.*

³²⁵ Git. 39 a. See Tos. *ibid.*

B. POWER TO CONTRACT A MARRIAGE.

In the last section we have seen that the minor does not possess contractual powers, because acts of acquisition require a mental maturity, which the minor does not possess. For the same reason the marriage of a minor is invalid. It is not binding even Rabbinically. The Rabbinic enactment concerning the marriage of a female minor orphan, discussed in another chapter, does not extend to the marriage of a male minor orphan.³²⁶ Some authorities even prohibit any one from inducing a male minor to contract a marriage.³²⁷

The marriage of a female minor orphan has been discussed in another place. There is, however, a possibility for a female minor to have the same status of the female minor orphan, though her father is alive; and that is, when the husband to whom her father has given her in marriage either died or divorced her. She is not now, as was shown in another place, any longer under the control of her father. Any marriage contracted by her, from now on, is Rabbinically valid to the extent that a *Mi'un* is required for its invalidation.

A female minor can, according to some authorities, receive her bill of divorce to invalidate the marriage contracted for her by the father.³²⁸ But she cannot appoint an agent for that purpose, for a minor does not have the power to appoint agents.³²⁹

³²⁶ Eben ha-Ezer 43, 1.

³²⁸ Git. 65 b.; see Tos., *ibid.*

³²⁷ *Ibid.*

³²⁹ Git. 65 a.

C. CAPACITY OF THE MINOR TO PERFORM ACTS WHICH
REQUIRE MERE PHYSICAL MATURENESS.

The minor has the power to perform acts which require mere physical matureness, or physical capacity. We may eat from the animal he slaughters, if there was a person of full age present, who saw that the act of slaughtering³³⁰ was in accordance with Jewish law. The minor is also allowed to do the writing of a bill of divorce.

D. CAPACITY OF BEING COUNTED IN A QUORUM.

A minor cannot be counted in a quorum of three in saying grace after a meal.³³¹ Rabbi Joshua b. Levi maintains that he can be counted in a quorum of ten.³³² According to Rabbi Johanan, the minor is qualified to be counted in a quorum³³³ the moment he begins to develop puberal signs.

The question of the qualification of the minor to be counted in a quorum has been the basis for many controversies in post-Talmudic times. To small Jewish communities this was an important question. Mediaeval authorities differ on this point. Some object to counting a minor even in a quorum of ten. R. Tam maintains the opposite. In some localities there grew up the custom, in the middle ages, to count the minor in a quorum while he held a Pentateuch in his hand. R. Tam ridiculed this power attached to the holding of the Pentateuch.³³⁴ For

³³⁰ Git. 11, 22.

³³¹ Ber. 47 b.

³³² *Ibid.* According to Tos. (*ibid.* 48 a) R. Josiah refers to a quorum for both prayer and grace.

³³³ *Ibid.* It is doubtful whether he refers to a quorum of three or of ten [see *ibid.* Tos.].

³³⁴ Tos. Ber. 48 a.

more information concerning the history of this question in post-Talmudic times consult Löw, *Die Lebensalter*, p. 207, &c.

E. CAPACITY TO ACT AS THE READER OF PRAYERS.

There is a post-Talmudic view which maintains that a minor can act as the reader of grace after a meal.³³⁵ (By acting as a reader, is meant, that the minor relieves other people from the duty of reciting it if they listen to him.) Both the Babylonian and the Palestinian Talmud are against it, for the duty of the minor to read grace is only Rabbinical, and he cannot, therefore, relieve persons of full age from the duty of reading grace, which is Biblical.³³⁶

According to one opinion, the minor cannot act as the reader of the Megillah.³³⁷ Rabbi Judah grants this right to the minor.³³⁸ R. Judah supports his view by the fact that he himself read the Megillah, when he was a minor, in the presence of R. Tarfon and the elders.³³⁹ The minor can act as the reader of Hallel, if the persons repeat in turn what he recites. Yet the Rabbis were not satisfied

³³⁵ Tos. Ber. V, 18.

³³⁶ The Talmud Babli, in its attempt to reconcile its view with that of the Tosef., says that the latter speaks of relieving persons of full age only from a Rabbinical duty. But it does not seem so from the Tosef. The words באמת אמרו which open the passage show that the latter is given in opposition to another view, and this is only possible when the Tosef. speaks of relieving persons of full age from a Biblical duty. The Yer. has a different explanation of the Tosef. (Yer. Ber. III, 3). But its explanation is not satisfactory either.

³³⁷ Meg. II, 3.

³³⁸ *Ibid.*

³³⁹ It is doubtful whether R. Judah would grant this right to the minor in connexion with reading prayers. The duty of reading the Meg. is, after all, only Rabbinical. Tos. Meg. II, 7.

that the minor should act as a reader, and therefore said: 'A curse should rest on those (who appoint the minor as a reader)'.³⁴⁰ The minor can be counted among the seven persons that are called on Sabbath to read the Biblical portion of the week, and is allowed to read his portion.³⁴¹

F. LIABILITIES OF THE MINOR.

In Jewish law, one's intention is the basis for holding one responsible for crimes and injuries. The minor, therefore, who, as was shown in the beginning of this chapter, does not have the status of a person of full age in acts which require thought and intention, he is not held responsible for crimes. A minor is not guilty, when he injures a person of full age.³⁴² But a person of full age is guilty when he injures a minor. A minor is not guilty of manslaughter if he kills a person of full age, but a person of full age is guilty of manslaughter if he kills a minor.

G. LEGAL CAPACITY.

A minor does not possess legal capacity, and cannot, therefore, form the second party at a trial. If people have claims against him, they have to wait until he becomes of full age. The question as to the appointment of a guardian in such cases, or as to the powers of the guardian to represent the minors in trials, was discussed in another chapter.

H. QUALIFICATION TO ACT AS A WITNESS.

The testimony of a minor is not accepted before he reaches his thirteenth year and one day, and before he

³⁴⁰ Suk. III, 10.

³⁴¹ Tosef. Meg. III.

³⁴² B. K. VIII, 4.

shows the presence of puberal symptoms. After he has fulfilled these conditions, he is only qualified to give testimony in connexion with movables.³⁴³ Unless he is exceptionally clever in matters of purchase, his testimony is not accepted in connexion with immovables before twenty.

Nor is the testimony of a person of full age accepted when it has reference to things which he saw when he was a minor. When, however, no real testimony is required, but mere information about a certain matter, the testimony of such a nature is accepted.³⁴⁴ Such a testimony is also accepted in matters which have only a Rabbinical status.³⁴⁵

I. CONCLUSION.

The data in the last five chapters indicate the important place the minor has occupied in Jewish law, and the attention that was paid to the minutest detail with regard to his rights and powers. In connexion with the attainment of majority we remarked that Jewish law with regard to age shaped itself on natural and psychological principles. This is true of Jewish law with regard to many other phases of life. To convince ourselves of this truth, we have only to recall what we pointed out before, that the underlying principle of the Rabbis in determining the rights and powers of the minor, was the statement: 'He (the minor) has (capacity of) physical action, but not of intention.' This conception of the legal status of the minor was pointed out to be a purely psychological one, and not the result of theoretical speculation. Lastly, as can readily be seen from the history of the Mi'un institution, and the provision

³⁴³ B. B. 155; Hoshen ha-Mishpat 35, 1-3

³⁴⁴ Ket. 28; Hoshen ha-Mishpat 35, 4-6.

³⁴⁵ *Ibid.*

of supporting the minor daughter, Jewish law adapted itself to circumstances, giving expression to new institutions called forth by new conditions. Furthermore, this adaptation to circumstances necessitated sometimes the use of certain schemes and artificialities, by means of which, though no Biblical law was violated, yet results were obtained which were in direct opposition to those that would have been obtained by the application of the Biblical law. This again proves what we maintained before, that Jewish law with regard to a minor was not the result of abstract thinking, but the embodiment of a response to the practical demands of practical life.

CRESCAS ON THE PROBLEM OF DIVINE ATTRIBUTES

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CHAPTER II

CRESCAS'S CRITICISM OF MAIMONIDES.

POSITIVE attributes, contends Crescas, cannot be inadmissible, for that would reduce the accomplished metaphysician in his knowledge of the divine being to the same level with the novice. But that the knowledge of the divine is commensurate with one's moral and intellectual perfections is generally admitted.⁶¹ True, Maimonides had forestalled that objection by declaring that though there can be no rising scale in the positive knowledge of God there can still be one in the discovery of additional negations. His explanation, however, is inadequate, for the augmentation of negative attributes cannot mark an increase in knowledge. True knowledge must be scientific and demonstrative, a principle which had been advanced by Aristotle⁶² and upheld by Maimonides.⁶³ It is not the acquisition of new facts, but rather the invention of new proofs that knowledge grows by. Now, that positive attributes are to be rejected is demonstrable by a simple argument based upon the proposition of divine absolute existence—an argument which can be easily mastered even

⁶¹ Cf. *Moreh*, I, 59.

⁶² Cf. *Physics*, I, 1.

⁶³ Cf. *Moreh*, I, 55.

by those uninitiated in philosophy. And once one has mastered demonstration of the divine absolute existence one can prove the inadmissibility of any positive attribute that may come up. Any additional negation merely involves a new application of the identical argument, and thus adds nothing to the content of knowledge. Hence Crescas asks with added emphasis: Since the divine essence is unknowable, and if you also deny the existence of essential attributes, how can there be a rising scale in the knowledge of the divine being? ⁶⁴

Again, the inadmissibility of divine attributes is irreconcilable with tradition. If the divine qualities are all identical with the divine essence, then in the prayer of Moses, to be shown God's glory,⁶⁵ what the prophet had asked for was to attain the knowledge of God's essence. But it is highly improbable that Moses should have been ignorant of the fact that the divine essence was unknowable. Furthermore, tradition has differentiated the Ineffable Name from other divine names in that the former refers to the divine nature itself, whereas the latter are derivative of His actions. Now, since the divine essence is unknowable the Ineffable Name could not have been a designation thereof. And if you also say that no essential attributes are existent, then it could not as well designate any divine attribute. What part of the divine nature could it then have referred to? You could not say that it designated God's absolute existence or some of His negative attributes, for if that were the case, the meaning of the Ineffable Name would not have been kept in secrecy. Hence, positive attributes are not inadmissible.⁶⁶

⁶⁴ Cf. *Or Adonai*, I, III, 3, p. 23 a.

⁶⁵ Cf. Exodus 33. 18.

⁶⁶ Cf. *Or Adonai*, I, III, 3, p. 23 b.

Nor are relative attributes inadmissible. If you say that predications expressing temporal, spatial, or some other external relations of God, though not implying a plurality in His essence, are inadmissible because all such relations, if real, imply similarity, why then is the affirmation of actions admissible? Actions, to be sure, when conceived as emanative from the divine essence, co-existing *with* Him always in energy and never *within* Him as a mere capacity, do not by themselves imply the inherence of external, imperfect qualities. On that account, Maimonides is perfectly consistent in rejecting positive attributes and admitting actions. But still actions are external relations. However they are taken, actions express some relation between God and the external, created reality, a relation which, like transient qualities, is changeable and transitional, even though unlike the latter it does not imply changeability and transitionality in the essences of the related objects. For even though we may explain the apparent changeability in the divine actions as due to the material objects operated upon rather than to the operative agent, those actions, when not viewed as dynamic forces, but as external static relations between the agent and its object, must of necessity like all external relations, and especially like the relation between transient agents and their objects, be changeable and transitional. That actions present a phase of external relativity is an indisputable assumption. In fact, as we have already pointed out, Maimonides stands alone in differentiating between actions and external relations and separating them into two distinct classes of predicables. Most of the philosophers had included actions in the class of external relations, permitting the use of the latter as well as that of the former. And so,

since Maimonides prohibits external relations on account of similarity, why should he not for the same reason prohibit actions?⁶⁷

In his discussion of external relations, Maimonides especially mentions the two classes enumerated by Aristotle;⁶⁸ first, the relation of reciprocity, and, second, the rotation of degree of comparison. The former is designated by him by the term *הצטרפות*, Arabic *إضافة*, and the latter by the term *יהם*, Arabic *نسبة*. Both of these kinds are inadmissible. In rejecting the former kind, he states its reason that it is characteristic of such correlatives to be reciprocally convertible. The contention of this phrase has been variously interpreted by the commentators, and, as usual,

⁶⁷ Cf. *Or Adonai*, I, III, 3, p. 23 a. 'Since attributes by which a thing is described in its relation to something else, which implies non-existence, are inadmissible with respect to God, as e. g. the transition of an object from a state of potentiality to that of actuality [*Moreh*, II, 55], how then does he allow the use of attributes which only describe the actions of an object, as e. g. doing, acting, creating; since these, too, imply non-existence; for before the deed, act or creation, the agent was potential and afterwards became actual.'

The meaning of this argument had been misunderstood by Abraham Shalom and Isaac Abrabanel. They interpreted the argument as follows: Since essential attributes are to be rejected on account of the implication of transition from potentiality to actuality, why should not actions be rejected for the same reason. And so both of them point out Crescas's error in overlooking the distinction drawn by Maimonides himself between essential attributes and actions. (Cf. *נ"ב, דרוש א', פ"ר*.)

הנהגת התבאר ממה שאמר הרב שאין תוארי הפעולות לומר פעל ועשה יורה שהיה בכח ושב בפועל, כמו שאמר זה החכם. ויש להפליא ממונו איך אמר זה אחרי ראותו לשון הרב פ' י"ח הנוכר.

Cf. also Abrabanel's commentary on the *Moreh*, I, 55. The rendering of this argument by Dr. Julius Wolfsohn (*Der Einfluss Gazali's auf Chisdai Crescas*, p. 38, note 2) is uncritical. Cf. also Kaufmann, *Attributenlehre*, p. 416, note 85.

⁶⁸ Cf. *Organon*, *Categories*, ch. 7.

the ancients like Profiat Duran, Asher Crescas, Shem-tob, and Abrabanel had come nearer the truth than the moderns, like Solomon Maimon, Munk, and Friedländer. From the *Organon*⁶⁹ we may gather the meaning of the statement to be as follows. Correlations are reciprocal not because of a reciprocal relation existing between two objects in reality, but because terms by which the related objects are designated are mutually implicative. Thus, 'slave' and 'master' are reciprocally correlative, but 'John' and 'master' are not so, though in reality John may be the slave of the master. Likewise, 'wing' and 'winged creature' are reciprocally correlative, but 'wing' and 'bird' are not, though the bird is a winged creature. Suppose now that the term 'slave' were used homonymously, in a sense absolutely divorced from its original meaning, would it still be correlative with 'master'? In other words, must a reciprocal correlation be so in reality as well as in name? Maimonides seems to think that the two conditions are necessary. Reciprocally correlative terms must be mutually implicative in name and mutually interdependent in reality. Consequently he maintains that by whatever term you designate God, that term taken as it must be in an absolute sense is perforce a homonym, and therefore no reciprocal relation can exist between God and other beings. Thus, even if God is called the First Cause or Principle, unlike all other causes and principles, it is absolutely independent of its effect and consequence. 'For', says Maimonides, 'it is characteristic of two correlatives by reciprocation to be mutually convertible, and God being necessary existence and everything besides being possible existence, there can be no such correlation between them.' But, argues Crescas,

⁶⁹ Cf. *ibid.*

while it is true that the divine existence, viewed as mere existence, is absolute and independent of anything else, when however it is viewed as causative existence it is because that in its causative nature it is even in reality dependent upon the existence of effects emanating from its essence. His existence is necessary because it is not anteceded by any prior cause, but it is causative because it is creative. The fact that His causativity is dependent upon the existence of its effects does not detract from the necessity of His own existence. For necessary existence means nothing but the absence of efficient causation. And thus while the divine existence is absolute, the divine causation is not.⁷⁰

Furthermore, if time be eternal, God would share with it in the common property of eternity. To understand the full significance of this criticism we must first cite Aristotle's

⁷⁰ Cf. *Or Adonai*, I, III, 3, p. 23b. 'It is difficult to comprehend the statement made by Maimonides, namely, that there can be no perfect relation between God and His creatures on account of the condition that objects which are correlative must be reciprocally convertible. For, as a matter of fact, God must inevitably be conceived as Cause and Principle. Since a cause is so with respect to its effects and a principle likewise with respect to what follows from it, it is therefore evident that in this respect there exists some relation between them.'

I take this argument of Crescas to be an application of Algazali's contention that necessary existence only implies the negation of prior causes. Algazali's contention, as will be seen, reappears again in Crescas's exposition of his own theory of Attributes (cf. *infra*, ch. III, note 110). In this argument, therefore, Crescas is reasoning from his own premise. It is, truly speaking, not an argument against Maimonides. Of the same nature, as will be pointed out, is Crescas's next argument from time.

This underlying postulate of Crescas's argument seems to have been overlooked by Abraham Shalom (cf. *נוה שלום*, מ' י"ב, ד"א, פ"ג) and Abrabanel (cf. *פירוש המורה ח"א פ' נ"ב*), cf. also Kaufmann, *Attributenlehre*, p. 389, note 47, and Julius Wolfsohn, *Der Einfluss Gazali's auf Chisdai Crescas*, p. 38, note 1.

definition of the phrase 'being in time'. To be in time may mean two things, one, to co-exist *with* time, and, the other, to exist *in* time and be measured by it.⁷¹ The second meaning, however, is rejected by Aristotle as being untrue. When, therefore, Maimonides queries whether there be any relation between God and time, he simply means whether it could be affirmed that God has existence *in* time, to which his answer is in the negative, for since time is consequent to motion, and motion to magnitude,⁷² an inextended being cannot be said to have temporal existence in that sense. But the question is now raised by Crescas: Why cannot temporal relation be affirmed of God in the sense of co-existence *with* time, or to be when time is? The relation would then not be, as in the first case, of the dependence of God upon time, but rather of the commonality of eternal co-existence of two independent entities, God and time. The hypothesis of eternal time, to be sure, is rejected by Maimonides, but that is on quite other grounds, and not because time, were it eternal, could not share with God the property of eternity.⁷³

Maimonides' rejection of temporal relation in the case of God is still less justifiable 'in view of what has been said in the second part in refutation of the premise that time is an accident consequent to motion'.⁷⁴ Herein Crescas is pitting his own definition of time with all its corollaries against that of Maimonides, rather than criticizing the latter

⁷¹ Cf. *Physics*, IV, 12, § 8.

⁷² Cf. *ibid.*, IV, 12, § 6.

⁷³ Cf. *Or Adonai*, I, III, 3, p. 23 b. 'Likewise with regard to his statement that there is no relation between God and time, even if we admit that time is one of the conditions of motion, the latter of which is a condition of corporeal objects, there can still be a relation and similarity between God and time with respect to eternity, especially if we assume that time is eternal.'

⁷⁴ Cf. *ibid.*

from his own premises. Following Aristotle, Maimonides defines time as an accident adjoined to motion, and to be in time is circumscribed by two conditions. In the first place, the temporal object must have motion,⁷⁵ and in the second place, it must be comprehended by the time,⁷⁶ thus not co-existing with the whole of the time, but only with a part thereof. Therefore, the eternal translunary spheres, according to Aristotle, which are endowed with rotary motion, thus satisfying only one of the conditions, are said to be in time only by accident. The eternal immovable Intelligences, however, satisfying neither of the conditions, are not in time at all. And so God has no temporal relation. Though God is said to have existed prior to the world, the priority referred to is causal rather than temporal, since prior to the emergence of matter there had been no time. But Crescas defines time as an accident of both motion and rest, meaning by the latter some positive entity and not a mere absence of motion.⁷⁷ Time, therefore, being independent of motion, is likewise independent of matter, and had existed even before the creation of the universe. And so, the immovable eternal beings as well as God may be said to have existence in time.

Finally,⁷⁸ the divine negative attributes cannot form a privative judgement; they must of necessity form a negative judgement, thus involving an indirect affirmation. Privative judgements are possible only in the case where the subject belongs to a different universe of discourse from that which the predicate belongs to. When we say that 'a mathematical point is not red', the judgement must truly be

⁷⁵ Cf. *Physics*, IV, 12, § 11.

⁷⁶ Cf. *ibid.*, IV, 12, § 10.

⁷⁷ Or *Adonai*, I, I, XVI, p. 11 a, and I, II, XI, p. 19 a.

⁷⁸ *Ibid.*, I, III, III, p. 25 a.

privative, denying red as well as all its correlatives, 'not red' thus meaning colourless, because in the universe of mathematical points there is no colour. But in the proposition 'God is not ignorant', while we negate not only human ignorance but also human knowledge, still, according to Maimonides, we affirm of God some knowledge which is identical with the divine essence, and which has no known relation with human knowledge. Thus the negation of knowledge in the case of God cannot be an absolute privation of knowledge; it must only be a negation of human knowledge which indirectly implies the affirmation of divine knowledge. Since divine knowledge is thus affirmed by the negation of human knowledge, the two must have some kind of relation, however vague and inarticulate. Divine knowledge, says Crescas, must accordingly be 'some kind of apprehension'. Now, let us designate that 'some kind of apprehension' by the letter *X*, and see whereabouts it would lead us.⁷⁹

⁷⁹ Cf. *Or Adonai*, I, III, 3, p. 25a. 'It is quite evident that when we attribute to God knowledge and power in a particular sense, meaning by knowledge the negation of its counterpart, namely, *human knowledge* [literally, ignorance], and by power, the negation of *human power* [literally, impotence], either of these two terms ascribed to Him must of necessity imply something positive. For even though His knowledge is as different from our knowledge as His essence differs from our essence, still that which is implied in the negation of *human knowledge* [literally, ignorance] must be some kind of comprehension or perception. That the negation of *human knowledge* [literally, ignorance] must imply [the affirmation of] something positive and cognoscible, is beyond dispute, since [being] the counterpart of that [negated] *human knowledge* [literally, ignorance], [it] must indicate a certain [positive] thing, namely, some kind of perception.'

I have translated the term סוֹתֵר by 'counterpart' rather than by 'contrary', throughout these passages. I have likewise taken the terms סִכּלוֹת and לֵאוֹת to mean respectively human knowledge and human ignorance in general, which in contrast with divine knowledge and power,

First, what would be the relation of that *X* to the divine essence? It cannot be accidental nor essential to it, since both are debarred by Maimonides. It must, therefore, be identical with the essence. But *X*, as we have said, is not entirely unknowable; for so much is known of it that it is 'some kind of apprehension'. The question is now, Is it co-extensive with the essence or not? In the former case, the essence would have to be knowable; and in the latter, the essence would have to be composed of a knowable and unknowable part.⁸⁰

Furthermore, as *X* stands for the divine correlative of human knowledge, so would *Y* stand for the divine correlative of human power. Now, since human knowledge and power are different, *X* and *Y* will have to be different.

are nothing but ignorance and impotence at their best. For I think that Crescas understood the term 'negative attributes', used by Maimonides, in the same sense as I interpreted it in ch. I. According to my rendering and interpretation of this argument as well as of those that follow, the objections raised against them by Abraham Shalom in his *Neveh Shalom* are ill-founded. (Cf. *Neveh Shalom*, XII, I, IV; Jöel, *Don Chasdai Crescas*, p. 31; cf. also *Ez Hayyim* by Aaron ben Elijah the Karaite, ch. 71.)

⁸⁰ Cf. *Or Adonai*, I, III, 3, p. 25 a. 'Therefore I say that if this comprehension and whatever it implies were not something positive and essential to the Blessed One, it would have to be His essence itself, inasmuch as it could not be an accidental attribute, since God can bear no relation whatsoever to accidents. Now, if it were His essence itself, it would give rise to either of these two absurdities. First, were His essence to include nothing but what we understand by the term comprehension, His essence would then have to be knowable. Second, were His essence to include something besides what we understand by the term comprehension, it would then have to be composed of two parts, namely, that which we understand by the term comprehension and that of which we have no knowledge at all. Either of these two consequences is absolutely absurd. That the divine essence cannot be an object of our knowledge, is well known to every novice in Metaphysics; and that His essence cannot likewise be composed of two parts is due to the fact that God would in that case have one possible existence.' (Cf. *Neveh Shalom*, *ibid.*)

Hence, if these attributes were identical with God's essence, His essence would be composite.

Finally, suppose, however, that *X* is absolutely unrelated with human knowledge, and that is not even 'some kind of apprehension'. The proposition 'God is knowing', which according to Maimonides means that 'God is not ignorant', would, therefore, be the exclusion of human knowledge and the lack thereof without at the same time affirming divine knowledge.⁸¹ But the judgement could not be privative, for though the divine knowledge is absolutely unrelated to the human knowledge, and cannot therefore be indirectly affirmed by the negation of the latter, there is, however, an absolutely unique divine knowledge which cannot be denied in the same way as we can deny mathematical colour. And so, negative attributes form negative judgements. But according to Maimonides negative attributes mean that God neither possesses those attributes as they are stated, nor their opposites. This, however, is contrary to the law of excluded middle.⁸²

⁸¹ Cf. *ibid.* 'Again, it has been shown, that the terms knowledge and power, when applied to God, must mean something positive and cognoscible, since in the case of negating [of God] either *human knowledge* [literally, ignorance] or *human power* [literally, impotence] we must understand [indirectly to affirm of Him] something [positive], namely, either the [divine] counterpart of *human knowledge* [literally, ignorance] or the [divine] counterpart of *human power* [literally, impotence]. But it is clear that whatever is meant by the [divine] counterpart of *human knowledge* [literally, ignorance] is not identical with whatever is meant by the [divine] counterpart of *human power* [literally, impotence]. Consequently the meaning of the one must differ from that of the other. Hence it follows that neither of them can be taken as identical with the divine essence, for in that case His essence would be composed of different parts.' (Cf. *Neveh Shalom, ibid.*)

⁸² Cf. *ibid.* 'Again, if his conclusion with regard to the denial of essential attributes were true . . . it would be impossible to affirm of God any positive implication of those attributes, inasmuch as the denial thereof is not because we are ignorant of any of His essential attributes but because

From his arguments against Maimonides' theory of attributes, Crescas passes over to a discussion of the relation between essence and existence. In its origin, among the Arabs and Jews, the problem of essence and existence was much simpler than in its later development among the Schoolmen. To the latter the problem presented itself in the following form. Assuming the presence of a distinction between essence and existence within actual beings they ask, What does that distinction consist in? ⁸³ The various answers given to the question ran parallel to the solutions offered to the problem of universals, real, conceptual, or nominal. This evolved form of the problem, however, bears only a remote resemblance to what seems to have been its nucleus, namely, the controversy of Avicenna and Averroes. To these Arabic thinkers the problem of essence and existence presented itself in the form whether existence is an accidental or an essential universal, and it originated in the following manner:

That which is divided into the ten Categories is designated by Aristotle by the word τὸ ὄν. The corresponding Arabic term is الموجود, a passive participle from a root meaning 'to find' (وجد). In the Arabic language that

He does not possess any. Thus, God will have to be deprived of whatever we understand by comprehension or power. Neither of these can, therefore, be ascribed to Him either as parts of His essence or as essential attributes. But as it is evident that any kind of ignorance or impotence [i. e. human knowledge and power] must be negated of Him, it follows that He is negated both contraries or opposites, namely, knowledge [i. e. divine] and ignorance [i. e. human knowledge], power [i. e. divine], and impotence [i. e. human power]. But that is most absurd and inane (cf. *Neveh Shalom*, *ibid.*; Joël, *Don Chasdai Crescas*, p. 31; Kaufmann, *Attributenlehre*, p. 478, note 162; Julius Wolfsohn, *Einfluss Algazalis*, p. 40).

⁸³ Cf. R. P. Kleutgen, *La Philosophie scholastique*, vol. III, chap. II; M. De Wulf, *Scholasticism Old and New*, pp. 108-9.

passive participle joined to a noun *A* in the nominative case forms a proposition meaning '*A* is existent'. Now, in this proposition, it is clear, that the existence affirmed of *A* must be accidental to it, for were it identical with the essence of *A*, argues Avicenna, '*A* is existent' would mean '*A* is *A*'. Existence is thus an accident. 'Being', τὸ ὄν, or الوجود, which is divided into the ten categories, is therefore resolvable into 'that which is', having itself existence superadded to its essence, and so is existence accidental to the essence of all the ten categories. And, like all accidents, existence is applied to different subjects in unequal sense. Meaning independent reality outside the mind, existence is primarily applied to substances which are self-existent, and through these to the accidents of quality and quantity, and through qualitatively or quantitatively modified substances, it is also applied to the residual accidents.⁸⁴ As the com-

⁸⁴ According to Isaac Albalag (commentary on Algazali's *Intentions*) the problem of essence and existence and unity had its origin in two apparently contradictory statements which he alleges to be found in the works of Aristotle. In the *Metaphysics* (IV, 2) Aristotle identifies being (τὸ ὄν) and unity (τὸ ἓν) with the essence of the subject of which they are predicated. In *De Anima*, however, says Albalag, being and unity are stated to be accidental to essence.

ואבוהמד טעה בזה, לפי שלקה המצוי הנאמר על ענין הראשון, והוא אשר אליו כיון אריסטו בספר הנפש תחת המצוי הנאמר על ענין השני, והוא אשר כיון במה שאחר הטבע (יצחק אלבלג, פירוש על הכונות; אלהיות, מ"א).

I was, however, unable to identify Albalag's reference in *De Anima*. In *De Anima*, II, 1, 7, the only place in that book where being and unity are discussed, there is no indication that Aristotle had considered them as accidents.

Cf. also Shemtob's commentary on the *Moreh*, I, 57.

In my exposition of the reason that had led Avicenna to consider existence as an accident, I have followed Averroes. (Cf. *Destruction of the Destruction*, Disputation VII; *Epitome of the Metaphysics*, I. The latter passage is quoted by Munk, *Guide*, vol. I, ch. 57, p. 231. Paraphrases of

position of essence and existence, which is now assumed in every being, must necessarily be occasioned by a preceding cause, that cause itself, in order to avoid an infinite

this passage of Averroes is found in almost every commentary on the *Moreh*; cf. also *infra*, note 86).

The following observation on the meaning of the Hebrew words **מהות**, **מציאות**, **ישות**, may be of some interest. In early Hebrew translations from the Arabic the terms **ישות** (being) and **מציאות** (existence), were synonymous, both contrasted with **מהות** (quiddity), cf. Hebrew translation of Algazali's *Intentions*, Part II, Metaphysics.

וזה יראה מה שזכרנוהו קודם מפני הישות אשר הוא מליצה מהמציאות בלתי המהות.

In the Hebrew translation of Aegidius de Colonna's *De Esse et Essentia*, however, the term **מציאות** is used as synonymous with **מהות**, both of which are contrasted with **ישות**.

א"כ מבואר הוא שהישות הוא דבר אחר מהמציאות או מהמהות לבד (p. 96).

The following explanation seems to me to be quite plausible.

The Arabs, and after them the Jews, rendered the Greek *οὐσία* and *τὸ ὄν*, both from a root meaning 'to be', by **وجود** (**מציאות**) and **موجود** (**נמצא**), which, derived from the root 'to find', usually mean 'existence' and 'existent', respectively. In addition to 'existence', they coined the term **ماهية** (**מהות**), that is, 'quiddity'. 'Existence' was to them the accident of 'quiddity'. And so even when *οὐσία* and *τὸ ὄν* are translated literally by **كون** (**היות** or **ישות**) and **كائن** (**הוה**), from 'to be', the latter are considered as synonymous with 'existence' and therefore accidents of 'quiddity'. According to Averroes, as we shall see, the distinction of 'existence' and 'quiddity' originally sprang from that inaccurate Arabic translation of the term *οὐσία*.

Now, the Scholastics used the term *essentia* among other terms for the Greek *οὐσία*. Adopting from the Arabs the *quidditas* they used it synonymously with *essentia*. Again, the Arabic **وجود** (**מציאות**) became *esse* (which, as is well known, is used by the Schoolmen in the sense of *existentia*). Likewise, the Arabic **موجود** (**נמצא**) became *ens*. And just as the Arabs and Jews used to speak of the distinction between 'existence' and 'quiddity' so they speak of the distinction between *esse* and *essentia seu quidditas* or *ens* and *essentia seu quidditas*.

Thus while the Hebrew **מציאות** and the Latin *essentia* are both originally translations from the Greek *οὐσία*, in the historical development of ideas

chain of cause and effect, we must assume to be free from that composition. Thus Avicenna concludes that in God there is no distinction of essence and existence.⁸⁵

they have drifted away far apart from each other. *Essentia* is identical with *מהות*, which is quite the opposite of *מציאות*, and *מציאות* is identical with *esse*, which is the antithesis of *essentia*.

Some of the Hebrew translators from the Latin saw that point clearly. Thus the translator of Thomas Aquinas renders the title of the latter's *De ente et essentia* by *מאמר בנמצא ובמהות* (quoted by Steinschneider, *Uebersetzungen*, § 295, 5). He likewise translates literally *essentia* by *היות* and *ens* by *הוה*, giving, however, for the latter its traditional Hebrew equivalent *נמצא*.

שאלה א', אם שם ההיות, ובלשונם אישינסיא, הוא לקוח משם ההוה, ר"ל, הנמצא, ובלשונם אינש, במהות ובמציאות מטומטם. (quoted *ibid.*)

The translator of Aegidius, however, renders the title *De esse et essentia* by *מאמר הנמצא והמציאות*. This, as we have seen, is inaccurate. For *ens* is *נמצא*, and *esse* is *מציאות*. Again, while both *essentia* and *מציאות* are translations from the Greek *οὐσία*, their meanings are quite different. He likewise renders the phrase *essentia seu quidditas* by *המציאות או המהות*, the first part of which is wrong again for the same reason. It should be observed that the phrase *seu quidditas*, which the translator had in his Latin text, is not found in the Venice edition of 1503 of Aegidius's *De esse et essentia*.

⁸⁵ There is a very important question which I wish to raise at this point. In the literature dealing with the problem of essence and existence we find two different formulas which are invariably used in affirming the absence of any distinction between essence and existence in the divine being.

The first formula employed by Maimonides and some of his commentators states that in God *essence and existence are identical*. The following quotations will illustrate it:

תהיה מציאותו עצמו ואמתתו, ועצמו מציאותו (מורה, ח"א, פ' נ"ז)
אחר שהש"י הוא מחוייב המציאות, ומציאותו ומהותו דבר אחד (שם טוב, פרוש על המורה שם).

לפי שמציאותו ומהותו אחד . . . אבל מציאותו הוא מהותו (אפודי, שם, פ' נ"ח).

הנה הם מסכימים על הנמצא הנאמר על האלוה ית' שאינו דבר יוצא מעצמו (אור ה', מ"א, כ"ג, פ"א).

In opposition to this view, Averroes maintains that existence is identical with essence. The two are indistinguishable even in thought. Anything thought of is thought

The second formula used by Avicenna and Algazali states that God is *existence without essence added to it*. To illustrate:

ולכן היתה העלה הראשונה מציאות בלי מהות נוספת (אלגזלי, כונות, אלהיות, מ"א).

בבטל אמרם שהראשון הוא נמצא פשוט בלי מהות (הנ"ל, הפלת הפילוסופים, שאלה ח').

The question may now be raised whether these two different formulas are advisedly used, implying two distinct theories, or not. For several reasons it would seem that the two formulas do not imply two different theories. First, as far as we know, there is no record of any controversy between Maimonides and Avicenna and Algazali as to whether in God essence and existence are identical or He is existence without essence. Maimonides is generally believed to follow Avicenna and Algazali on that point, even though they use different formulas. Second, from the following quotations it may be conclusively deduced that the two formulas are used indiscriminately.

והש"י אמרו בו שהוא מציאות ולא מהות, לפי שהישות והמהות הוא אחד בו (קרשקש, פירוש על המורה ח"א, פ', נ"ז).
ואינו מחוייב מזה שנשיג ישותו המיוחדת אשר הוא מהותו, שהוא מציאות בלי מהות נוסף, וכמו שאמר אבוהמ"ד אין מציאות בלי מהות כי אם לאל (הנ"ל, שם, פ' נ"ח).

But the following passage from Isaac Albalag's commentary on Algazali's *Intentions of the Philosophers*, would on the other hand indicate quite clearly that Albalag had taken the latter's formula that God is *existence without essence* quite literally.

לפיכך אמר שהעילה הראשונה מציאות בלא מהות, וזה תימה גדול, איך קלל לעילה הראשונה המהות שאינו דבר נוסף על העצם וחייב לו המציאות שהוא מקרה (אלבלג, כונות, אלהיות, מ"א).

Again, from the following passage in Averroes' *Destruction of the Destruction*, Disputation VIII, it would also seem that this was a point at issue between Algazali and Averroes as to the interpretation of Avicenna's theory, the former maintaining that it meant that God is *existence without essence*, the latter that in God *essence and existence are identical*.

אמר ב"ר . . . זה הפרק כלו מטעה, כי האנשים לא יניחו לראשון

of as existent. This essential existence, to be sure, cannot be affirmed as the predicate of a subject in a logical proposition without involving tautology. But conceptual existences may have counterparts in reality, or may not have them. The idea of God and angels, for instance, has something in reality to correspond with it. The idea of centaurs on the other hand, though likewise involving existence, has nothing outside the mind to correspond with it. The former idea is, therefore, a true one (ἀληθής—صادق—צודק), the latter idea is a false one (ψευδής—כאזב—בוזב). For truth is the correspondence of what is conceived with what is perceived. To express this distinction between a true and a false idea we either affirm or deny of a thing its existence outside the mind. The test of such existence is knowledge, direct or indirect. Of a true idea we, therefore, affirm that it is directly perceived or otherwise known to agree with reality. Now, in the Arabic language, says

מציאות בלא מהות ולא מהות בלא מציאות; ואמנם האמינו שהמציאות במורכב תואר נוסף על עצמותו, ושוה התאר אמנם קנאו מהפועל, והאמינו במה שהוא פשוט שזה התאר לו אינו נוסף על המהות, ושהוא אין לו מהות מתחלף למציאות, לא שהוא אין לו מהות כלל כמו שבנה הוא כלל דבורו בסתירתם (הפלת ההפלה, שאלה ח').

That these two formulas represent two distinct theories, would also seem to follow from this passage of Thomas Aquinas's *De ente et essentia*. 'Aliquid enim est, sicut Deus, cuius essentia est ipsum suum esse; et ideo inveniuntur *aliqui philosophi* dicentes quod Deus non habet essentiam, quia essentia eius non est aliud quam esse eius.' As to who the *aliqui philosophi* were, Cajetan identifies them with the Platonists, a term, as has been observed, used by him loosely to indicate some gnostic sect (cf. *De ente et essentia*, ed. Émile Bruneteau, Paris, 1914, p. 114, note 1). It is more probable that Thomas refers there to Algazali. Professor Maurice De Wulf, however, was kind enough to advise me that in his opinion the phrase *aliqui philosophi* refers to some contemporary teachers in the University of Paris and not necessarily to some well-known philosophers.

Averroes, the same root وجد 'to find', which signifies the essential existence, means also to find out the presence of something by means of the senses or of the intellect. Thus 'God is existent' means that God is perceived or known to have objective reality corresponding to our subjective idea of Him. In the proposition 'centaurs are not existent' we likewise mean to deny the perception of centaurs to agree with our conception thereof. In either case, however, ideal existence is identical with essence.⁸⁶

The same difference of opinion between Avicenna and Averroes recurs with regard to the attribute of unity.

⁸⁶ Cf. Narboni's Commentary on Algazali's *Intentions*, Metaphysics, Part I.

וכתב אבן רשד, זה לשונו: טעות אבן סינא, שהוא בעבור שראה שם הנמצא מורה על הצורך בדבור הערבי והיה אשר מורה על הצורך מורה על מקרה בלי ספק, אבל גם באמתות על מושכל מן המושכלות השניות, רצוני לומר, הדבריות, חשב שכאשר עשאוהו המעתיקים אמנם יורה על זה הענין, ואין הענין כן. אבל אמנם כונו בו המעתיקים שיורה בו על אשר יורה עליו שם העצמות והדבר, וכבר באר זה אבונצר בספר האותיות, וידע שאחת מסבות הטעות הנפלות בזה הוא ששם הנמצא הוא בתנועת נגור, והנגור יורה על מקרה, אבל הוא בשרש הלשון נגור, אלא שהמעתיקים אחר שלא מצאו בלשון הערב תיבה מורה על זה הענין, אשר היו הקודמים חולקים אותו אל העצם והמקרה, ואל הכה והפעל, רצוני לומר, תיבה היא המישל ראשון, הורו עליו קצתם בשם הנמצא, לא על שויבן ממנו ענין הנורה, ויורה על מקרה, אבל ענין אשר יורה עליו שם העצמות, והוא כל דבר הוה, והוא שם מלאכותי, לא לשוני ע"כ.

But Aristotle himself, as is well known, distinguishes four different usages of the term τὸ ὄν, two of which correspond to those mentioned by Averroes, namely, (1) in the sense of truth and falsehood (τὸ ὄν λέγεται τὸ μὲν κατὰ συμβεβηκός), (2) that which is divided into the categories ("Ἐτι τὸ εἶναι σημαίνει καὶ τὸ ἔστιν ὅτι ἀληθές, τὸ δὲ μὴ εἶναι ὅτι οὐκ ἀληθές ἀλλὰ ψεῦδος) (cf. *Metaphysics*, IV, 7, V, 2; Grote, *Aristotle*, vol. I, chap. III). Thus it is not altogether the translator's fault that Avicenna confused the two meanings of the term (see the interpretation of Averroes' criticism given by Munk, *Guide*, vol. I, p. 231).

Here, again, for similar reasons Avicenna maintains that, like existence, unity is only accidental to essence. Averroes, on the contrary, maintains that unity is identical with essence, but distinguishing between absolute and numerical unity, he admits the latter to be accidental, and it is this accidental kind of unity that is always referred to in propositions affirming unity.

Among Jewish philosophers, Maimonides and his immediate disciples⁸⁷ followed Avicenna. All later Jewish thinkers accepted the view of Averroes.⁸⁸ Having a new theory of his own, Crescas undertakes to expose the untenability of both the old systems.

Whatever the meaning of existence with respect to creatures may be, contends Crescas, with respect to God it is generally admitted, by both the Avicennean and the Averroesean groups, that existence is identical with the divine essence. Hence it must be inferred that they all interpret the attribute of existence homonymously, for as there is no relation between the divine and the created essence, so there cannot be any relation between their

⁸⁷ Cf. *Drei Abhandlungen von Josef b. Jehuda* (מאמר ר' יוסף ב"ר יהודה) (תלמיד הרמב"ם), edited by Moritz Löwy, Berlin, 1879, Hebrew text, p. 15.

⁸⁸ Cf. commentaries on the *Moreh*, as well as the commentaries of Narboni and Albalag on Algazali's *Intentions*. Cf. also Albo's *Ikkarim*, II, ch. I. Narboni, in his commentary on the *Intentions*, after quoting at length Averroes' arguments against Avicenna, adds the following remark: 'I have dwelt rather too long on this subject, because I have noticed that the savant, our Master Moses [i. e. Maimonides], following Algazali and Avicenna, had begun one of his chapters by saying that "existence is an accident superadded to the existent being". Would that that statement had not existed.'

והארכתני בבאור זה; למה שראיתי החכם רבינו משה נמשך בספריו
אחר דעת אבו חמד ואבן סינא בזה, עד שהתחיל בפרק מפרקיו, המציאות
מקרה קרה לנמצא, ומי יתן ולא נמצא.

existences. Consequently, queries Crescas, 'Would that I could conceive what is the significance of the term existence when applied to God, for our affirmation that God is existent, in which the latter term is not different from the former, is tantamount to our saying that God is God'.⁸⁹ Two inaccuracies of this argument of Crescas must not be passed over unnoticed. In the first place the inference that the homonymous interpretation of the term existence must follow its identification with the divine essence, is erroneous. Gersonides, for instance, follows Averroes in the identification of essence and existence, and still interprets the latter ambiguously, according to the distinction of priority and posteriority.⁹⁰ In the second place, in interpreting existence homonymously Maimonides circumvents the objection of tautology by taking it as an emphasis of the negation of non-existence.⁹¹

But the objection may be urged even with regard to created existences if we accept the view of Averroes and his followers, who consider existence to be nothing but the essence. For, according to this view, the proposition 'man is existent' or 'white is existent' would be equivalent to saying 'man is man' or 'white is white'.⁹² This criticism is neither original nor irrefutable. In fact, it is the very same argument that had been advanced by Algazali in support of the Avicennean theory of the distinction between existence and essence.⁹³ Again, Averroes's refutation

⁸⁹ *Or Adonai*, I, III, 1, p. 21 b-22 a.

⁹⁰ Cf. *Milhamot*, V, III, 12, p. 46 b, and III, 3, p. 23 a.

⁹¹ Cf. *Moreh*, I, 58.

⁹² *Or Adonai*, I, III, 1, p. 22 a.

⁹³ Cf. Algazali's *Intentions*, Metaphysics: In refutation of the view that existence and essence are identical, he says: 'This is refutable on two grounds: first, when we say the substance is existent it is evidently a proposition conjoined of two terms. Now if the existence of the substance

thereof, based upon a distinction in the use of the term existence, was well known and had been quoted by all the commentators on the *Moreh*.⁹⁴

The view held by Avicenna that existence is only accidental to the essence, says Crescas, is still less tenable. The term accident had been used by Avicenna in two senses, a general and a specific.⁹⁵ In its general sense the term is applied to everything which requires a subject of inhesion. In its specific sense, however, it is applied only to those that require a subject of inhesion, and of which the subject of inhesion is independent, as, for instance, *white* and *cloth*. Form, therefore, though an accident in the general meaning, having no existence apart from matter, is not an accident in the specific meaning of the term, since Matter in its turn has no subsistence without Form. And so Form is included among the four Substances. It is with reference to these two meanings of the term accident, if I am not mistaken, that Crescas urges the next two arguments against Avicenna's accidental interpretation of were the essence of it, our statement would assert that substance is substance.'

... וזה נפסד משני פנים, אחד מהם, שאמרנו העצם נמצא דבור מחובר מובן, ולו היה מציאות העצם עין העצם, היה כאמרנו העצם עצם.

⁹⁴ Cf. *supra*, notes 84 and 86.

⁹⁵ Cf. Algazali's *Intentions*, Metaphysics, I. He divides there existence (מציאות) into two classes; one, which needs an abode (מישב) as accidents (מקרים), and another, which has no need for an abode. Those which need an abode are again divided into two classes: one, where the abode is independent of the accident, and, another, where the abode is dependent upon the accident. In the former case the accident bears the name accident (מקרה), whereas the abode is called the subject (נושא). In the latter case the accident is called *Form* (צורה) whereas the abode is called *ḥayūl* (חיול). In fact the inclusion of the Form among the Substances is opposed by the Mutakallemim, who consider it as a mere accident dependent upon its abode (cf. *Moreh*, I, 73, proposition 8).

existence. Assuming at first that by interpreting existence as an accident Avicenna uses the term accident in its specific sense, Crescas attempts to reduce that view to an absurdity.⁹⁶ If anything, said to be existent, has its existence added to its essence, that existence, which we may designate as primary, being merely an accident, cannot be self-subsistent. In compliance with the definition of accident it must have existence in something else. Thus accidental primary existence will have accidental secondary existence. By analogous reasoning the secondary existence will need to have tertiary, and so the process may go on *ad infinitum*.⁹⁷

⁹⁶ Or *Adonai*, I, III, 1, p. 22 a. 'No less a difficulty may be pointed out in the view of him who states that existence in all other beings is outside the essence to which the former is superadded as an accident. For if existence is an accident it must have a subject of inhesion, and thus existence will have existence. If the other existence is also an accident, that, too, will require a subject of inhesion and thus will have a still other existence, and so on to infinity.'

⁹⁷ This argument had been anticipated by many authors. Joseph Ben Judah, Ibn Akin, a disciple of Maimonides, both raises and answers this objection (cf. *Drei Abhandlungen von Josef b. Jehuda*, von Moritz Löwy, Berlin, 1879, Hebrew text, p. 15:

ואם נאמר באשר היה המציאות תאר לנמצא הנה הוא תאר נמצא, הנה הוא נמצא במציאות וכן יהיה זה המציאות נמצא במציאות, וילך הענין אל בלתי תכלית).

It is also found in Albalag's commentary on the *Intentions*; Metaphysics: אם תאמר שהוא [כלומר, תאר המציאות] נוסף, יתחייב שיהיה למציאות מציאות, ולמציאות מציאות, וכן עד בלתי תכלית.

The argument is also found in Aegidius's *De esse et essentia*, which had been translated into Hebrew at about the middle of the fourteenth century (Jews' College, London, 268):

א"כ צריך שכל דבר שישותו הוא דבר מטבעו, יהיה לו הישות מדבר אחר, ובעבור שהישות, שהוא כולל דבר אחר, יובא אל אותו הישות שהוא בעצמו, כמו שיובא העלול לסבה הראשונה, צריך שיהיה דבר אחר

If you say, as had been really suggested by Algazali, that existence, like Form, is an accident only in the general acceptation of the term, on account of its dependence upon essence, but again like Form it is a substance, and thus capable of self-subsistence, the question is, Why should existence be called accident any more than Form, since both, though accidents in the general sense of the term, are not accidents in its specific sense?⁹⁸ Thus, existence can be neither identical with the essence nor accidental to it.

Nor can unity be identical with or accidental to the essence. The arguments employed here by Crescas are merely a repetition of those employed by him in the case of existence. There is, however, one novel argument. Quoting the commonly accepted definition of unity as the negation of diversity, he continues: 'and if we say that unity, signifying the absence of plurality, is identical with

שיהיה סבת הישות לכל הנמצאים, בעבור שהוא ישות לבד, ועל תכונה
אחרת היתה ההליכה בסבות לבלתי תכלית.

Likewise Gersonides urges the same argument against the accidentality of unity, which he says may also be applied to the accidentality of existence ; cf. *Millhamot*, V, 12.

ועוד שאם היה כל דבר אחד מוצד מקרה מה נמצא בו, הנה יחוייב
בוה המקרה כשהורינו עליו בשם בלתי נגזר, שיהיה מתואר בשהוא אחד
מוצד מקרה אחר נמצאנו בו, וילך אל לא תכלית ולזאת הסבה
ג"כ נאמר שעצם כל דבר נמצא, ר"ל, שלא יורה הנמצא עליו מוצד
מקרה נוסף על המהות.

⁹⁸ 'Furthermore, existence is like Form in its relation to Matter, since, according to their contention, without that accident [i. e. existence] the subject would have been nonexistent. And so, since that accident bestows existence and permanency upon the substance, it deserves to be called Substance prior to the subject, just as Form is called Substance prior to Matter, as it has been stated in the *Physics*, Book I. But existence is called by them accident, which is an incorrigible contradiction.'

the essence of the object predicated by one, it would follow that all objects described by one are one in essence'.⁹⁹ This argument may be easily identified as the application of the well-known mediaeval argument against the identity theory of universals as well as against monopsychism.¹⁰⁰

CHAPTER III

CRESCAS'S THEORY OF ATTRIBUTES.

It would be comparatively easy and not altogether unjustifiable to dismiss Crescas's theory of attributes as a conglomeration of incongruous statements. Such, indeed, was the verdict passed upon it by an early critic.¹⁰¹ The difficulties which one encounters in the attempt to give a constructive presentation of his view are many. Besides the lack of coherence and definiteness in his exposition, Crescas seems radically to contradict himself. Starting out to prove that divine attributes are positive, upon getting embroiled in the inevitable difficulties consequent to such a thesis, without much ado Crescas quite unostentatiously concludes that after all some of the attributes are negative

⁹⁹ *Or Adonai*, I, III, 3, p. 22 b.

¹⁰⁰ Cf. Gersonides, *Milhamot*, V, 12. 'For if unity were a genus it could not be predicated of the *differentiae* by which the species which are included under it are classified, for the genus cannot be predicated of the *differentiae* by which its subordinate species are classified. For example, animality is not predicable of rationality and volatility.'

שאם היה האחד סוג, היה בלתי אפשר שינישא האחד על ההבדלים אשר יחלקו בהם המינים אשר יקוף בהם, והמשל כי החי לא ינישא על הדבור והעופפות.

¹⁰¹ Cf. Abraham Shalom's *Neveh Shalom*, XII, I, 3. 'It is surprising how that author changes his view in an instant.'

ומהפלא מזה החכם ומסברתו ההפוכה כמו רנע.

in meaning. If negativity is to be the ultimate solution of some of the attributes, it had been asked, why should it not be equally applied to all the attributes, and what is then the meaning of all his contentions against Maimonides?¹⁰² This inconsistency, however, is too apparent to be real, and the absence of any explanation on the part of the author of what appears to be an abrupt reversal of his own position, leads us at least to suspect whether his final statement does really reverse his original thesis. While we do not hold a brief for the author, defending him against his critics as to the adequacy of his justification of positive essential attributes, we shall, however, endeavour to give a constructive and consistent view of his attempt to do so.

If the problem of attributes, as I have attempted to show in the first chapter, is in its final analysis a question as to the relation of the universal essence to the individual; in order to understand Crescas's position on attributes we must first construct his theory of universals. Suggestions available for the construction of his theory of universals are abundant. He differs with both Avicenna and Averroes, and with the latter more than with the former. Admitting with Avicenna that the universal substance is distinct from the individual, he differs with him as to the relation between these two. According to Avicenna,

¹⁰² Cf. *ibid.*, XII, I, 4. 'This author has just stated that existence means not nonexistence, and that unity means the absence of plurality. How then could he have said, just an instant before, that existence and unity are essential attributes?'

והנה החכם הזה הוא האומר שהמציאות יורה על היותו בלתי נעדר, והאחרות על היותו בזולת רבוי, ואיך היה דעתו לשמה כרנע לומר שהנמצא והאחר תארים עצמיים.

while the universal does not exist apart from the individual, nor the individual apart from the universal, they can both at least be thought of as separate existences. But Crescas insists upon their mutual interdependence in thought. Differentiated in thought though they are, still in thought they are inseparable. Not only cannot rationality or animality be conceivable without the individual human essence, but likewise the individual human essence cannot be conceived without the universal conceptions of rationality and animality. Such 'essential universals', he says, are 'conditions' of the individual essences, not mere mental abstractions or inventions, but real entities, so united as not to be distinguishable except by thought; but they are also so mutually implicative as not to be thought of one without the other.

What essential universals, which form the definition, are to the individual essence of the defined object, all the attributes are to the divine essence, and they are positive. But before proceeding any further let us explain the special sense in which Crescas uses the term positive attribute. Positive attribute may mean two things. In the first place it means the existence of qualities distinct from the essence. In the second place, it means that any predicate affirmed of God is used in a sense not entirely unrelated to its original, ordinary meaning. In Hebrew the same word (חסר) is used in these two senses. In English, however, we may call the one 'attribute' and the other 'predicate'. Now, in the different theories of attributes which we have analysed in a previous chapter, the main controversy was not about the 'attributes', but rather about the 'predicates'. Both Maimonides and Gersonides admit that God does not possess any attributes distinct from His essence. Their

reasons, however, vary. The former maintains that in this respect God is absolutely different from other beings, whereas the latter believes that even in created beings essential universals are not distinguishable from the individual essence except in name. And so, while both deny the distinction of essence and 'attribute' within the divine substance, Maimonides interprets the 'predicates' as negatives, that is to say, as homonymous terms, but Gersonides interprets them as positives, that is to say, as ambiguous terms applied to God and to other beings in a related sense, *secundum prius et posterius*. Now, Crescas, as we shall see, endeavours to prove that attributes are positive both in the sense that the divine substance is composed of essence and attribute, and in the sense that the predicate affirmed of God is a related term. This, however, does not mean to say that every single attribute is positive in both these senses. If it can be shown that a certain attribute, even in its application to other beings, has no positive meaning, it can still be called positive predicate, because of its being applied to God and to other beings in a related sense. In the proposition *A* is *X*, for instance, let us say that *X* means — *Y*. If we then affirm that 'God is *X*', using here *X* in the same sense as in the proposition '*A* is *X*', we may then say that *X* in its application to God is a positive predicate, even though its meaning is negative. 'Positive' in this sense would not refer at all to the *positive content* of the term employed as the predicate of the proposition; it would rather refer to the *positive relation* of the content of the term in its application to God, to the content of the same term in its application to other beings, the content itself being either positive or negative.

Of all the attributes, existence and unity stand out as

a class by themselves. They are to every individual essence what its essential universals by which it is defined are to it. Man, for instance, besides his two essential universals, animality and rationality, and his many adventitious qualities, has also the two attributes existence and unity, which like the former are inseparable from his essence. For existence and unity are conditions of thought, without which nothing is conceivable. 'Every essence must unconditionally have objective reality outside the mind',¹⁰³ which is the meaning of existence; and every such actually existent substance must be one and limited.¹⁰⁴

The relation that commonly obtains between the attributes of existence and unity and every individual essence, likewise holds true between both these attributes and the divine essence. As to the meaning of existence, however, there are two phases, a general and a specific. The general meaning is negative and invariable, but the specific meaning is positive and subject to variations. The general meaning of existence is non-subjectivity; that of unity is non-plurality. In that sense, each of these attributes is invariably applied, without any shade of difference, to accidents, substances, and God. The specific meaning of existence, however, is objectivity, and the specific meaning of unity is simplicity. In this positive phase each of these attributes is applied in different degrees to accidents, substances, and God. Substances are more objective than

¹⁰³ *Or Adonai*, I, III, 1, p. 22 a.

וזה שמתנאי המהות היותו נמצא חוץ לשכל.

and cf. quotation in note 105.

¹⁰⁴ *Ibid.*, I, III, 3, p. 22 b.

ולזה הוא מבואר שאין היחוד . . . אלא דבר עצמי לכל הנמצא בפי'ל ומוביל.

and cf. quotation in note 105.

accidents, since the latter have no reality except as part of the former. Likewise, substances are more simple than accidents, since the latter, again, are divisible not only by their own potentiality, but also by that of their subject of inhesion. And than both God is more real and more simple in a superlative degree.¹⁰⁵

All other attributes, however, that with respect to created beings are only accidental, differ in their application to God not only in degree but also in the manner of their relation to His essence, for all the divine attributes are inseparable and essential. Crescas especially mentions the attributes of Priority, Knowledge, and Power. Priority implies time, and time is an accident related to motion in all created being, and is subject to the variation of more or less. With respect to God, however, it is essential and

¹⁰⁵ *Ibid.*, I, III, 1, p. 22 a. 'It has thus been shown by an irrefutable argument that existence cannot be accidental to the essence. It must therefore be either identical with the essence itself or essential to it. Since it cannot be the essence itself, as it has been shown in the first argument, it must be essential to it, that is to say, that it is one of the conditions of the essence to exist outside the mind. Just as animality and rationality are said to be the human essence, so it is one of the conditions of the essence to have extra-mental existence. And so the term existence is applied univocally to all beings that are not prior to one another, that is, excluding accidents. Of substances and accidents, therefore, the term is applied ambiguously, since extramental existence is primarily applied to substance and through it subsequently to accidents. The general meaning, however, is that whatever is predicated by existence is not absent. It is in this sense of non-absence that the term is applied to God and to other substances, except that to God it is applied primarily and to other beings subsequently. It is thus clear that the term existence in its application to God and to other beings is not a perfect homonym, but it is a certain kind of ambiguity' [i.e. *secundum prius et posterius*]. Cf. also *ibid.*, I, III, 1, p. 22 b. 'It is thus clear that unity is not the essence itself nor anything added to the essence. It is something essential to everything that is actually existent and limited, and is a mental distinction with respect to the absence of plurality.' Cf. *Hobot ha-Lebabot*, I, 8.

inseparable as if it were His definition. Furthermore, it is used in a superlative sense; thus acquiring the meaning of first, eternal, or rather that of uncreated. The same holds also true of Knowledge and Power. In created beings they are acquired and accidental; in God they are inseparably essential. Again, in created beings they are each in a limited degree, in God they are in the highest degree possible. Thus all the divine attributes are ambiguous, but not homonymous terms. While they differ from their ordinary usage in degree, or in both degree and relation to essence, they all share in common their primary meaning. Existence, unity, priority, knowledge, and power, in their application to God, are in their primary meaning related to the corresponding terms in their application to created beings.¹⁰⁶

But would not that relation imply similarity? Crescas tries to answer this question as follows: Related terms are similar, when the relation has some numerical value; that is to say, when the related terms are both finite. When one of the terms, however, is infinite, its relation to a finite term has no numerical value, and hence they are dissimilar. The divine attributes, as has been stated, are used in a superlative degree. His knowledge is infinite, and so are all his other attributes. Thus, while they are related in meaning to created attributes, their relation has no numerical value, whence it does not imply similarity.¹⁰⁷

¹⁰⁶ Cf. *supra* quotations in note 105.

¹⁰⁷ *Ibid.*, I, III, 3, pp. 23 b-24 a. 'We say, there is no doubt that any similarity between God and His creatures must be dismissed as impossible. Still, though the perfection [attributed to God and to His creatures] belong to the same genus, there is no similarity between them, since they are so widely distinguished whether with respect to necessity and possibility of existence or with respect to finitude and infinity. This is the meaning

There is another difficulty which Crescas endeavours to obviate. 'It is now imperative upon us', he says, 'to explain why the negation of essential attributes does not necessarily follow our acceptance of the proposition that everything that is composed of two elements cannot be necessary existence.' This difficulty presents itself in two ways. First, since there are many attributes, each of which is distinct from all others, it would follow that the attribute part of God, which is not unidentical with but is inseparable from His essence, would have to be composite. Second, the aggregate of those attributes taken as a whole, being distinct from the divine essence, would together with that essence imply a plurality in the divine substance. With regard to the first, Crescas maintains that all the attributes are mental modifications of the single attribute of Goodness. Though not identical with goodness, all the other attributes cannot be separated from it even in thought. The relation, therefore, of the individual attributes to the general goodness is similar to that of the attribute as a whole to the essence.¹⁰⁸ It is this mental inseparability which makes

of the verse "To whom then will ye liken God? or what likeness will ye compare unto Him?" [Isa. 40. 18]. The prophet thereby explains that only that kind of similarity is forbidden to attribute to God which implies a certain comparison. But as the alleged similarity between God and His creatures is incomparable, for there can be no relation and also comparison between the infinite and the finite, there is no implication of real similarity in the affirmation of attributes.'

¹⁰⁸ That the relation of the individual attributes to Goodness is, according to Crescas, similar to the relation of Goodness, or the totality of attributes, to the essence, may be inferred from the following passage: 'Just as essence cannot be conceived without existence nor existence without essence, so the attribute cannot be conceived without its subject nor the subject without its attribute. And all the attributes are likewise comprehended in absolute goodness, which is the sum total of all perfections'. *Or Adonai*, I, III, 3, p. 25 b.

them all one. In this, indeed, he follows Maimonides' explanation of the plurality of divine activities, with only the following two exceptions. Maimonides takes intelligence as the unifying principle, whereas Crescas takes goodness; and, again, Maimonides considers all other activities as different aspects of intelligence which are in reality identical with it, whereas Crescas considers the other attributes to be distinct from goodness. Upon the fundamental difference between intelligence and goodness more will be said later on.¹⁰⁹ With regard to the second, Crescas maintains that the mental distinction between essence and attribute is not contradictory to the conception of necessary existence, since they are inseparable in thought. Necessary existence excludes composition only in so far as that composition would necessitate an external agent by which that existence would have been rendered conditional. Such would be the case if the divine substance were conceived to consist of parts which could in any way be separately conceived of. But in the divine substance the attributes and the essence cannot be thought of one without the other, just as the essence and the radiative quality of a luminous object cannot be thought of separately. It is the possibility of being separately conceived and not the mere fact of a mental distinction that militates against necessary existence.¹¹⁰ This answer, however, concludes Crescas, must be resorted to only in the case of attributes whose primary meaning is positive, as, for instance, Power and Knowledge. There are some attri-

¹⁰⁹ In the chapters on Crescas's theory of Divine Omniscience and the Purpose of the Universe which are not included in this thesis.

¹¹⁰ This line of reasoning sounds like a modified and moderated restatement of Algazali's definition of absolute simplicity (cf. *supra*, chap. I, note 38 and chap. II, note 70).

butes whose positive meaning in the final analysis is nothing but a negation. The positive meaning of Existence, for instance, is nothing but a mental antithesis of absence; that of unity is a mental antithesis of plurality; that of priority when applied in a superlative sense of infinite priority comes to mean not-having-been-created, which is eternity, and in its final analysis, the absence of temporal relation. Though these attributes, too, are applied to God in the same positive sense as to created beings, their positive sense, however, in both cases is only a negation.¹¹¹

¹¹¹ *Or Adonai*, I, III, 3, p. 24 b. 'It is now left for us to explain that the negation of essential attributes must not necessarily follow the accepted proposition which states that whatever is composite cannot have necessary existence. The explanation of this is not difficult, and it may be stated in two ways. First, though with respect to ourselves the attributes are separate, with respect to God they are unified. The infinite goodness which is essential to God comprehends all the attributes rendering them one. Second, that proposition is true only under a certain condition, namely, when the joined and composite object is such that it requires an agent to perform its composition as, for instance, when each part of the composition is part of its essence, in which case we must say that the composition brought about by the composing agent is the cause of the composite object. But the Blessed One has no divided substance, for His substance is simple in an absolute sense, and goodness in general follows from him essentially. Why, then, is it impossible that God should be necessary existence by His essence even though goodness in general or infinite knowledge, power, and the other perfections in particular, follow from Him essentially, just as light could have radiated from a luminous object, even if that object were assumed to be necessary existence by its essence? Would the assumption of necessary existence render the radiation of the light impossible? No! For the light is not something essentially different from the substance of the luminous object, and thus does not require an external agent to bring about its composition with the latter; it is rather something essential to the luminous object and appropriately predicable thereof. That is exactly the meaning of divine attributes. So much the more the attribute *priority* which is a mental distinction of His not having been created, *existence* which is an indication of His

This would seem entirely to dispose of the negative interpretation of Attributes. The burden of authority, however, weighed heavily, and while Crescas dared disagree with Maimonides, for which there had been many precedents, he could not completely ignore the views of Ibn Gabirol, Judah Halevi, Bahya Ibn Pekudah, and others, all of whom had incorporated the negative interpretation in their respective solutions of the problem of attributes. To avoid this predicament, Crescas interprets the texts of those authors so as to harmonize with his own view. His interpretation is based upon the distinction we have already pointed out between the two usages of the Hebrew word *מֵאֵר*, one meaning 'attribute', the other 'predicate'. The existence of essential attributes in the divine being, says Crescas, had never been denied by the ancients. They had only maintained that some 'predicates' must be interpreted negatively, and those, too, only in the case when the predicates denote the essence itself. God, however, possesses essential attributes, and terms connoting those attributes are not to be taken as negatives. In the words of the author: 'We must, therefore, say that whenever some of the savants exclude the positive meaning of attributes, interpreting them all as negations, they must be understood to refer only to such predicates as describe the essence itself. These alone cannot be taken in a positive sense. And note this distinction.'¹¹²

Thus the divine being consists of an essence and essential attributes, the unity of the former being preserved by the

not being absent, and *unity* which indicates that there is no plurality in His essence and that in no way does He contain any duality.'

¹¹² *Or Aidonai*, I, III, 4, p. 26a:

וְלֹא צֶרֶךְ שֶׁנֶאֱמַר שֶׁאֵין קֶצֶת הַחֲכָמִים . . .

mental inseparability of its parts. This view, says Crescas, is in conformity with the following statement which is found in the mystic writing called the Book of Creation. 'The manner in which the flame is united with the coal is an illustration of the irruptible unity.'¹¹³ The implication of this statement, continues he, is as follows: 'Just as essence cannot be conceived without existence nor existence without essence, so the attribute cannot be conceived without its subject nor the subject without its attribute; and all the attributes are comprehended in absolute goodness, which is the sum total of all perfections.'¹¹⁴ It is due to their failure to distinguish inseparable essential attributes from separable attributes that the philosophers, and especially Maimonides, were compelled to reject the existence of divine attributes altogether. To them only two alternatives presented themselves, either attributes are identical with the essence or they are different from it, in the latter case implying plurality. That attributes may be unidentical with the essence and still both together be one, they failed to perceive. A similar error was made by them in their theory of knowledge. Finding it impossible to conceive the subject, object, and process of knowing as different things, they were forced to declare them all identical—

¹¹³ *Ibid.*, I, III, 3, p. 25 b. The text of the *Sefer Yezira* is paraphrased by Crescas. Originally the passage reads as follows: 'Their end [i. e. of the Ten Sefirot] is inserted in their beginning, and their beginning in their end, even as the flame is joined to the coal. Know, think, and imagine, that the Lord is one and the Creator is one, and there is no second to that oneness, and before one what number can you name?'

נעוין סופן בתחלתן, ותחלתן בסופן, כשלהבת קשורה בנחלת, דע
וחשוב וצור שארון יחיד והיוצר אחד, ואין שני לו, ולפני אחד מה
אתה סופר ?

(cf. *Sefer Yezira*, Goldschmidt's edition, p. 51).

¹¹⁴ *Ibid.*

a view which is untenable for many reasons. But there, too, 'the philosophers tripped and fell because they did not distinguish the essential from the identical'.¹¹⁵ The *ens intelligens* is not identical with the *intellectus*, but is essential to and inseparable from it. Attributes are, therefore, positive, and have their real counterpart in the divine being. With this the knowability of God is no longer impossible. His essence, to be sure, can never be known; His essential attributes, however, can be comprehended.

While to Crescas the compatibility of essential attributes with absolute existence and unity seemed clear and indisputable, his position has not escaped cavilling criticism. It has indeed been charged to be open to the same objection that in his *Refutation of the Christian Principles*¹¹⁶ Crescas himself had pointed out in the Christian doctrine of the Trinity. The type of trinitarian doctrine which Crescas deals with in his polemic is, generally speaking, that of the Western Church, though as to its identification with any specific creed I am not in a position to express an opinion.¹¹⁷ He outlines it as follows. The divine substance or Godhead consists of one essence and three

¹¹⁵ *Or Adonai*, IV, 11, p. 91 a.

¹¹⁶ Cf. עקרי הנוצרים, בטול, originally written in Spanish, and translated into Hebrew by Joseph b. Shemtob.

¹¹⁷ Professor George Foot Moore was kind enough to make the following observation. 'The peculiar definition of the Christian theory of the Trinity which you find in Crescas is also to be found in Ramban's Disputation with the controvertite Pablo before King James of Aragon, in 1263, the text of which was printed by Wagenseil in a volume under the title *Tela Ignea Satanac*, 1681. The passage is near the end of the Disputation. Ramban gives for the three persons of the Trinity, החכמה והחפץ והיכולת. I take that Crescas's רצון, and Ramban's חפץ are equivalent, not to *voluntas*, but *benignitas*, or *caritas*, i. e. not "will" but "good-will". In this form, Power, Wisdom, Good-Will, we have the theory of the Trinity set forth by Abelard (died 1142), which was condemned by a synod at Soissons, in 1121.'

distinct personalities, Father, Son, and Holy Ghost, corresponding respectively to the attributes of Power, Wisdom, and Will. The Personalities are not identical with the essence. The Personalities, furthermore, are distinct from each other, and are interrelated as cause and effect, the Father being the cause of the Son, and these two of the Holy Ghost. Again, the Personalities are the causes of their respectively corresponding three attributes. Finally, the three Personalities are co-equal, all of them being Gods.¹¹⁸ In his criticism, Crescas chiefly assails that part of the doctrine which maintains the distinctness of the Personalities from the essence, showing that conception to be at variance with divine unity.¹¹⁹ But according to the testimony of the translator, Isaac ben Shemtob, the same arguments that Crescas had urged against the distinctness of the Personalities were urged by others against his own theory of divine attributes. 'I have noticed', he says, 'that some scholars had raised the same difficulties with respect to our author's theory of divine attributes.'¹²⁰ The trans-

הפ' הג' בשלוש. האמונה הנוצרית מנחת שהעצם האלהי יכלל על ג' תארים, פירשונאש [persones] בלשונם, ומהות אחד: אב, בן, ורוח הקודש יכולת, חכמה, ורצון. האב מוליד הבן, ומאהבת שניהם הרוה"ק הוא נאצל. מהאב הוא היכולת, מהבן הוא החכמה, מהרוח הרצון. והג' במהות אלה אל אחד, הם נבדלים אבל בתארים, וכל אחד מהם הוא אלוה. זאת היא אמונתם בזה העקר (*Ibid.*)

והעקר הג' הוא השלוש ההקדמות המותחלפות ג': א', שהנוצרי¹¹⁹ אומר שיש בעל ית' ג' תוארים נבדלים, בלשונם פירשונאש, והיהודי כופר בזה. ב', שהנוצרי מאמין שיש באל ית' תאר נקרא בן נולד מאב, והיהודי כופר בזה. ג', שהנוצרי מאמין שיש באל ית' תאר נאצל מהאב והבן נקרא רוח, והיהודי כופר בכל (*Ibid.*)

והוצרכתי להעירך עליו, יען כי ראיתי קצת משכילים ישבו על סברת¹²⁰ זה החכם, בהאמינו חתארים העצמיים, קצת מאלה הבטולים (*Ibid.*)

lator, however, comes to Crescas's defence by pointing out a radical distinction between personalities and attributes, namely, that the former being causatively interrelated are necessarily many, whereas the latter are absolutely unified by absolute goodness.¹²¹

The abstruseness of Crescas's reconciliation of essential attributes with absolute unity has also been pointed out by Abraham Shalom in his *Dwelling of Peace*.¹²² 'We may ask the author [i. e. Crescas] as follows: Are there essential attributes identical with the essence or added to it? for these are the only two possible alternatives. If he says that they are identical, he has gained nothing by interpreting Moses' prayer to refer to essential attributes. . . . If he says that these attributes, though distinct with respect to ourselves, are one with respect to God, then it must mean that they are identical. . . . If the author retorts that the essential Attributes are indistinguishable from the essence except in thought, we may ask him again: Are they conceived in

אמר יוסף, דרוש התארים עמוק מאד והרב הזה החזיק¹²¹
בתארים העצמיים . . . אבל ראוי שתדע שהמקיים התארים העצמיים איננו
תחת זה הסוג, ואנחנו לא מצאנו מלה אחרת יותר נאותה בהעתקה למלת
פְּרִיסוֹנָה זולת התאר, אבל אין מובנם אחד. וזה מבוואר. שהם אמרו
שהאב המוליד הבן. ומי שמניח שבו ית' יכולת וחכמה לא יחשוב חלילה
שהיכולת יפעל לחכמה, ולא שהיכולת אלוה, והחכמה אלוה (Ibid.)

¹²² Cf. *Neveh Shalom*, XII, I, 3:

נשאל לחכם ונאמר, אם אלה התארים העצמיים הם עצמותו, אם הם
נוסף על עצמותו, שזה חלוקה הכרחית. אם יאמר שהם עצמותו, א"כ לא
הריוח דבר בהניחו בקשת משה רבינו ע"ה התארים העצמיים . . . אם
יאמר שהתארים האלה, עם היותם נבדלים בחקנו, הם מותאחדים בחקו,
אם כן גם עצמותו . . . ואם יענה זה החכם שהשגת תאריז העצמיים הם
בחינות שכליות, נשאלו מאותם הבחינות, האם יובחנו בכח היכול היותם
עצם או מקרה, וישוב הספק הא' למקומו, ואין לדבר סוף.

thought to be essential or accidental? and thus we land again on the horns of our previous dilemma, and so we may go on asking and answering like that *ad infinitum*. The main point of this criticism, as it may be gathered, is that if things are one they must be identical, and if they are not identical they cannot be one. To take an object which is physically one, and call it two, because it is so conceived in thought, and then call it one again, because its parts are inseparable in thought, is past comprehension.

Another derogatory reference to Crescas's theory of attributes is found in Abrabanel's commentary on the *Moreh*. In his discussion of Attributes, Maimonides cites the view of a certain class of thinkers who had held that besides those attributes, which must be either identical with the essence or accidental to it, there are some which 'are neither His essence nor anything extraneous to his essence'. Dismissing this view as an utter absurdity, Maimonides remarks that 'it exists only in words, not in thought, much less in reality'; and that 'if a man were to examine for himself his own belief on the subject, he would see nothing but confusion and stupidity in an endeavour to prove the existence of things that do not exist, or to find a means between two opposites that have no means'. Commenting upon this passage, Abrabanel makes the statement that this view, which had been spurned by Maimonides, was afterwards taken up by Crescas.¹²³

The influence of Crescas's theory of divine attributes

¹²³ Cf. Abrabanel's commentary on the *Moreh*, I, 51:

אחרי שבטל הרב היות התארים עצמו . . . ולא שיהיו יוצאים מעצמו . . . זכר דעת ג', שהיה אצל קצת המדברים, שאמרו שהתארים המתוארים בו ית' אינם עצמו ואינם מקרה יוצא מעצמו, אבל הם דברים עצמיים בן, וזהו דעת הר' חסדאי במ"א מספרו.

may be traced in the *Principles*¹²⁴ of his pupil Joseph Albo. Albo's theory of attributes is eclectic rather than systematic, and Crescas's view is partly adapted by him as a prerequisite of his conception of necessary existence. Necessary existence, according to Albo, implies four conditions: unity, incorporeality, timelessness, and indeficiency;¹²⁵ a classification which, it must be observed, overlaps and could not stand the test of a logical analysis. The first of these conditions excludes separable attributes, both accidental and essential; the second excludes bodily emotions; the third, by inference, negates relation and similarity; the fourth rejects any implication of deficiency. Accordingly divine attributes are interpreted by Albo in the following ways: First, they are merely explanatory terms of necessary existence,¹²⁶ or what Maimonides calls 'names'.¹²⁷ Second, they are negations.¹²⁸ Third, they are actions.¹²⁹ Fourth, they are external relations, these being admissible.¹³⁰ But by arguments not unlike those employed by Crescas he is compelled by force of the fourth condition of necessary existence, namely, indeficiency, to omit the existence of essential positive attributes.¹³¹ The compatibility of such attributes with unity is explained by him in a way which is again reminiscent of that of Crescas's explanation. Attributes, he says, have two aspects, in one of which they appear as perfections, and in the other as imperfections. Imperfections they are when they are acquired and in any way separable from the essence. They are pure perfections when they are innate in the

¹²⁴ *Ikkarim*.¹²⁵ Cf. II, 7.¹²⁶ Cf. II, 6 and 21.¹²⁷ Cf. *Moreh*, I, 61.¹²⁸ Cf. *Ikkarim*, II, 10, 23, and 24.¹²⁹ Cf. *ibid.*, II, 8.¹³⁰ Cf. *ibid.*¹³¹ Cf. *ibid.*, II, 21.

essence and inseparable from it. In God they are inseparable parts of His essence, and, therefore, they are pure perfections and likewise not subversive of His unity. That these pure perfections were not considered by him as identical with the essence, but rather essential to it, is quite clear from the context of his discussion, and that he was here consciously following Crescas may be inferred from his following conclusion: 'Note this well', he says, 'for it is a correct and true interpretation, and one which had been adopted by conservative theologians both ancient and modern.'¹³² By ancient he undoubtedly refers to Saadia, and by modern he could not have meant anybody but Crescas, for Gersonides' reputation was not that of a conservative.

Joseph Albo, however, is inconsistent. Having accepted Crescas's explanation that inseparable attributes are not incompatible with divine unity, he rejects the same in the case of existence and unity. In a passage which has been entirely misunderstood by the Hebrew commentators he makes the following statement: 'The meaning of existence in its application to all created beings is by some philosophers taken to be accidental, while by others it is taken as something essential.' Now, the Hebrew commentators have understood this passage to refer to the Avicennian and the Averroesean controversy, 'something essential' thus meaning 'something identical with the essence'.¹³³ This is, however, manifestly wrong. By 'something essen-

¹³² Cf. *ibid.*

¹³³ Cf. *ibid.*, II, 1, and the commentary *שרשים* *ad loc.* The difficulties of this interpretation have been pointed out in a note (הנה"ה) which appears in the latest undated Wilna edition. The author of that note, too, has failed to see that Albo's reference is to the controversy between Crescas and the Avicennian group rather than that between the latter and Averroes.

tial' he could not have referred to anything but Crescas's theory, which reference alone can be construed with the rest of the text. After thus stating Avicenna's and Crescas's views with regard to the meaning of existence in its ordinary application, Albo proceeds as follows: 'But the term existence in its application to God cannot be accidental, for God is not subject to accidents, as will be demonstrated in the ninth chapter of this part, nor can it be something essential and superadded to its essence, for in this case the divine being would consist of two elements, which is impossible, as will be brought out in the fifth chapter of this part. Consequently existence in the case of God cannot be anything but identical with His essence.' The implication of this passage is clear. Crescas's interpretation of existence as an essential and inseparable condition of essence is discarded by Albo on the ground of its conflict with unity. Albo thus reverses his own position on the other attributes.

In our analysis of Moses Halavi's theory of divine attributes in a previous chapter, we have shown that the attributes to him are mere inventions of the mind, and thus while he interprets divine predicates positively, he does not admit the existence of divine attributes. Yet Crescas endeavours to show that Halavi, too, had believed in the existence of essential attributes. He proves his point indirectly, as an inference of Halavi's theory as to the emanation of plurality from unity. In order to be able fully to understand and appraise the force of Crescas's reasoning, let us give a brief analysis of the nature of the problem of emanation.

Assuming as an axiomatic truth that God is absolute simplicity, and that a simple cause can generate only

a simple effect,¹³⁴ the question arises as to the origin of the plurality of elements that we observe in the universe. The answer to this question is based upon a combination of Plotinus's theory of emanation and Aristotle's theory of the spheres. There is God, the Absolute One, the Necessarily Existent, or by whatever other name He may be designated, whose knowledge of Himself, being a generative principle, produces the first intelligence. This Intelligence, says Alfarabi, consists of two generative elements, one due to its knowledge of God, and the other due to its knowledge of itself, the former producing the Second Intelligence, and the latter producing the outermost sphere.¹³⁵ Alfarabi's statement of the solution is correct in principle, but it is too general to account for the different elements of which the celestial spheres are supposed to be composed. For, according to the early Arabic philosophers, and Avicenna in particular, each sphere is composed, like the sublunar elements, of Matter and Form, and is endowed with a Soul, which is the efficient cause of its motion, and is presided over by an Intelligence, which is the final cause of the same. In Avicenna's statement of the solution, therefore, the self-knowledge of the First Intelligence is declared to contain as many elements as are necessary to explain all the component parts of the spheres. Avicenna's statement is variously reproduced in subsequent works. According to Sharastani, the reflection of the First Intelligence of his own spiritual essence produces the Form as well as the Soul of the First Sphere, the latter being

¹³⁴ As for the origin of this proposition, see Munk, *Mélanges*, p. 361; *Guide*, II, 22, p. 172, note 1; Steinschneider, *Al-Farabi*, p. 9, note 20; Kaufmann, *Attributenlehre*, p. 371, note 11.

¹³⁵ Cf. Alfarabi's ספר ההתחלות הנמצאות, שני . . . ישיביל הראשון וישיביל עצמותו.

nothing but the consummation of the former, whereas the existence of that Intelligence being mere possibility, produces the matter of the sphere.¹³⁶ Algazali's restatement of the case in his *Destruction of the Philosophers* is similar to that of Sharastani's, but, unlike the latter, he maintains that the self-knowledge of the First Intelligence would only account for the Soul of the Sphere, and consequently criticizes Avicenna for his failure to account for the origin of its Form.¹³⁷ In all these restatements, the origin of the Second Intelligence is said to be due, as is said by Alfarabi, to the reflection of the First Intelligence of God. In his *Intentions of the Philosophers*, however, Algazali gives a somewhat different and rather inadequate version of the case. The First Intelligence, he says, has two aspects. It is necessary existence in so far as it must come into being through its cause, but it is only possible existence when it is considered with respect to itself. Its necessary aspect, therefore, produces the Second Intelligence, whereas its possible aspect produces the First Sphere.¹³⁸ Abraham Ibn Daud, in his *Sublime Faith*, finds three elements in the First Intelligence, from which proceed the Second Intelligence, the First Sphere and its soul.¹³⁹ But curiously enough he does not state what these three elements are. Maimonides is probably following Alfarabi, naming only two elements in the First Intelligence, its knowledge of itself which produces the sphere and its knowledge of God which produces the Second Intelligence, and, like Algazali, he argues that this explanation does not account for the

¹³⁶ Cf. *Sharastani*, pp. 380-81 (Cureton's edition).

¹³⁷ Cf. Algazali's *Destruction of the Philosophers*, Disputation III.

¹³⁸ Cf. Algazali's *Intentions*, Metaphysics, V.

¹³⁹ Cf. *Emunah Ramah*, II, IV, 3.

component parts of the spheres.¹⁴⁰ Joseph Ibn Aknin, in his special treatise on the subject,¹⁴¹ finds in the First Intelligence three elements: knowledge of God, knowledge of self, and knowledge of its being mere possible existence. The restatement of the case in later Hebrew works are unimportant, as they all follow secondary Hebrew authorities.

It is significant that in all the statements cited the knowledge of God on the part of the First Intelligence is referred to as one of the component parts, the most important one, producing the Second Intelligence. None of these authors, however, specifies what is meant by that knowledge of God, though we may infer that what they meant by it is the knowledge that God is the cause of its existence, since the divine essence itself must be unknowable. Again, the least important element, that which produces the Matter of the Sphere, is designated by them *the mere possibility of existence*.¹⁴² Now, in Moses Halavi's enumeration of the threefold division in the First Intelligence, the first element is, as usual, called the *knowledge of God*,¹⁴³ but the third is described as *the knowledge of its being brought into being by the Necessarily Existent*,¹⁴⁴ which, of course, is another way of saying *the knowledge of its mere possible existence*. But in Crescas's paraphrase that expression is changed into *the knowledge of God as its cause and of itself as His effect*.¹⁴⁵ And so Crescas asks, what could Halavi have meant by

¹⁴⁰ Cf. *Moreh*, II, 22.

¹⁴¹ Edited and translated into English by J. L. Magnes (Berlin, 1904).

¹⁴² אפשרות המציאות.

¹⁴³ ישביל מחוייב המציאות.

¹⁴⁴ וישביל עצמותו שהוא עלול למחוייב המציאות.

¹⁴⁵ ואם מה ששיג היות עצמותו יח' עלה לו והוא עלול ממנו (Crescas's paraphrase, *Or Adonai*, I, III, 3, p. 25 b').

describing the first element as *knowledge of God*? The divine essence itself is unknowable. The comprehension of God as cause is in Crescas's paraphrase of Halavi exactly the phrase by which the third element is described. And to say that it refers to a negative knowledge of God is likewise impossible, since the negative knowledge of God is in its ultimate analysis the knowledge of His causality. Hence it must refer to the knowledge of God's essential attributes, which, concludes Crescas, goes to show that Moses Halavi admitted the existence of essential attributes. And in the same manner it can also be shown that Alfarabi, Avicenna, and Averroes admitted the existence of the same. Averroes, to be sure, rejects the theory of intermediary emanations, believing that all the Intelligences and Spheres emanate directly from the divine essence. Still, contends Crescas, while denying the causal interrelation of the Intelligences, Averroes believes in the presence of some qualitative differentiation between them. That qualitative differentiation must, of course, be due to a corresponding gradation in the simplicity of their comprehension of God. But that comprehension cannot be of the divine essence itself; it must be of the divine attributes, which, therefore, have existence. But, as we have seen, while Averroes admits that the term Intelligence in its application to God is a positive predicate, he is far from believing that it is an essential attribute of God in the same sense as it is understood by Crescas.

Let us now summarize the results we have arrived at in our inquiry. The origin of the problem of attributes, we have stated, lies in the incompatibility of four initial assumptions: the logical interpretation of Scriptural

phrascology, the reality of logical relations, the anti-nominalistic view of universals, and the Avicennian definition of absolute simplicity. We have seen how the various attempts to solve the problem tended either to reject one or more of these assumptions, or to find some explanation in accordance with them. The naïve theologians, referred to by Maimonides, rejected the first assumption that the Scriptural predications are logical propositions. Maimonides retains all the four assumptions, and denying the existence of essential attributes in the divine being, interprets the Scriptural predications of God as privative judgements. Averroes, Gersonides, and Halavi, too, deny the existence of essential attributes in the divine being, but accepting of a nominalistic view of universals, and therewithal the non-reality of logical relations, interpret the Scriptural predications of God as positive judgements in which subject and predicate are only verbally related. Algazali's criticism of Avicenna aims to disqualify the latter's definition of absolute simplicity, and thereby affirms the existence of essential attributes. Finally, by advancing a new theory of universals, Crescas attempts to show the compatibility of essential attributes and absolute simplicity.

THE PROBLEM OF SPACE IN JEWISH MEDIAEVAL PHILOSOPHY

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CHAPTER III

INFINITE SPACE.

ONE of the problems that have troubled the human mind is the problem of space; and one of the aspects of space that have troubled the human mind most, is its infinity. From the philosopher of Stagira to the philosopher of Königsberg, the subject of the infinity of space did not cease to defy and baffle human ingenuity. Our present-day thinkers are mostly silent on this topic. They dread the contest, but they have not overcome it. It still lies like an invincible brute ready to enter the arena. Such being the case, it would be simply preposterous to claim that Jewish philosophy may boast of having solved altogether this overwhelming difficulty, but I do claim that in the course of the progress of Jewish thought some suggestions were made that might lead to a new and better understanding of the problem; and to understand it would be half way to its complete solution.

Let us first turn to Aristotle, who may always serve as a text in any discourse on mediaeval philosophy. His ideas about infinity which are found in the third book of the *Physics*, and in the tenth of the *Metaphysics*, are briefly thus. On the one hand we find that infinity is undeniable.

Time is unbegotten and indestructible. We cannot conceive of a moment of time, a Now which is an absolute beginning of a series of duration. Every Now *looks* on one side to a past and on the other to a future: it has a before and after.¹¹⁴ On the surface it may seem strange that a similar argument could not be advanced to prove the infinity of space: every Here is on one side in touch with a before, and on the other with a beyond. But the argument is really a deeper one. It is repugnant to the entire Aristotelian standpoint of causation, the denial of miraculous creationism, to assume a Now which was not caused by a previous one. Time which marks the duration of the beginningless and endless development of things must in itself be infinite. On the other hand, there must be a limit to material existence. Matter is limited by superficies, and hence finite; and to speak of an infinite number of material bodies is also absurd, for a number is that which can be counted, and hence likewise finite. Besides, an infinite body would be either simple or composite. It could not be, however, a simple body, similar to the one assumed by the earlier physicists, for then it would have consumed by its infinite power all other finite elements, and would have created all things single-handed; but such a monistic theory is contradicted by the fundamental phenomenon of change which implies the existence of contraries in the universe. Nor could that infinite body be a composite without being either a finite number of infinities or an infinite number of finitudes, either alternatives being impossible. Thus after a series of arguments Aristotle concludes the finitude of spatial existence. How then is it—the question is—that infinity seems to be real in time but unreal in space?

¹¹⁴ Comp. *Or Adonai*, p. 62a; also מפעלות אלהים, v, 3.

An explanation for this antinomy Aristotle finds in the nature of the concept. It is in accord with his general dynamic standpoint. Infinity denotes duration rather than simultaneity, succession rather than co-extension. Infinity never *is*, but is perpetually becoming. Hence time can be represented as endless, for it is a succession of fleeting moments, each one vanishing and making room for another. But when you seek to attain the infinite by means of a synthesis of spatial parts, you are aiming not at an endless *process of becoming*, but at an endless *state of being* which is not postulated by the true notion of the infinite. The unlimited is not actual but potential, meaning by the latter term not the potentiality of the brass that can become an accomplished fact in the form of the statue, but a peculiar potentiality like that of time, which though actual only in an insignificant and vanishing moment, constantly unfolds itself in a never-ending succession of decay and regeneration. It is a *process*, not a *state*. The usual meaning of the infinite, says Aristotle, is that beyond which there is nothing, but the true meaning is that which always has something beyond.

This analysis of infinity is extremely suggestive. It might be shown what a host of perplexing difficulties would vanish in this new light, as we shall see in the sequel. But it is unfortunate that Aristotle himself did not fully realize the immense fruitfulness of its suggestiveness. He seemingly forgets very soon this well-defined position, namely, that things are always and everywhere finite, but reveal the infinite in the process of change and duration, just as in the arithmetical convergent series every term is limited and gives us a limited quantity when added up with the preceding terms, but there is the infinity of

progression, a possibility of enlarging the number of one unit to all eternities. For with this distinction between state and process clearly in his consciousness, how could he possibly speak of a realizable infinitesimal by means of division? My impression is that Aristotle fell a victim to his terminology, to his use of 'potentiality', which always implies something actual, to express his notion of infinity,—an expression which, as he himself felt, hardly suits the meaning. The whole distinction between infinite divisibility and infinite augmentation, the former being affirmed and the latter denied, is unintelligible: *practically* no one would believe that we may divide an object *ad infinitum*, and *theoretically*, even the celestial firmament can form no limit to our augmentation. In the history of the Jewish conception of infinity, this latter potential notion was at first dominating until the former progressive notion was taken up and modified by Gersonides. Let us follow closely this meandering path of the idea of infinity through Jewish philosophy.

Beginning with Saadya, we find that the material universe is held to be limited, having a terrestrial centre and a celestial circumference.¹¹⁵ This finitude of matter means also the finitude of space, for, as we have seen, the void was not posited by the earlier Jewish thinkers. Saadya pays more attention to the theory of temporal infinity maintained by Aristotle, the refutation of which theory, though somewhat beyond the pale of this work, is nevertheless relevant because of its application to spatial infinity. It is ridiculous, he holds, to say that time had no beginning, for then an infinite number of points have already elapsed ;

¹¹⁵ *Emunot*, I, p. 56: שהשמים והארץ כיון שהתברר שיש להם תכלית
בהיות הארץ באמצע וסבוב השמים סביבותיהם.

in other words, this present moment would be the final term of an infinite series, but an infinite series is that which cannot be completed.¹¹⁶ Moreover, every passing day is added to the past, and detracted from the future, but anything that has room for an increment, that can be turned into a greater magnitude, is by no means infinite.¹¹⁷ Furthermore, time is the measure of the spherical movements; and if the former is conceived to be beginningless, the latter must also have a claim to eternity. But those spherical movements are not uniform, there is a variety of ratios between them, while one sphere makes one revolution, another sphere may make three hundred and fifty-five revolutions. If the eternity hypothesis is correct, both spheres have made an infinite number of revolutions, yet sphere *B* must have certainly made 355 times as many revolutions as those of sphere *A*. Consequently one infinity would be greater than another infinity, which is absurd, because the infinite is greater than the greatest conceivable quantity.¹¹⁸ Hence temporal infinity is an impossibility. These arguments, it should be noted, are mentioned by Halevi¹¹⁹ among the proofs of the Mutakallimun for the theory of creation.

¹¹⁶ *Ibid.*, I, 59: וכאשר מציאתי עצמי נמצא ידעתי כי ההויה עברה . . . על הזמן עד שהגיעה אלי ולולי שיש לי זמן תכלית לא היתה ההויה עוברת בה. See Guttman's *Die Religionsphilosophie des Saadia*, p. 40, note 3.

¹¹⁷ *Ibid.*, Part I, p. 74: והוא שכל יום חולף מהזמן לגלגל הוא תוספת: על מה שחלף וחסרון מן העתיד ומה שהוא סובל התוספת והחסרון יש תכלית לבחו ותכלית מחיבת החידוש.

¹¹⁸ *Ibid.*: וכאשר ראינו תנועות השמים מתחלפות עד שקצתם נערכים: על קצת על שלשים כפל ועל שלש מאות וחמשים וחמש ועל יותר מזה ידענו שכל אחד מהם יש לו תכלית.

¹¹⁹ See *Cosari*, Part V, ch. 18, First Axiom.

Bahya has the following to say about the infinite. He admits that number is infinite. There seems to be no end to the possibility of counting,¹²⁰ but actually everything is finite. Imagine a line AB drawn out *ad infinitum*, and take off a definite part AC

$\begin{array}{ccc} A & C & B \\ \hline \end{array}$

Now BC cannot be finite, for two finite lines make no infinite. But AB is of course greater than CB . Thus one infinite would exceed another infinite, which is absurd. Moreover, the very possibility of a part implies that the whole line must be finite, for a part bears a definite ratio to the whole, and is the unit of measurement. Indeed, the extensity of an object is that property of it by virtue of which it can be measured by a part. But the part can bear no ratio to the infinite. Consequently there can be no infinite extensity.¹²¹

After Bahya, a full century elapses, marking a blank in the history of the infinite, except perhaps for Gabirol's remarks that infinite, spatial or temporal, is due to formlessness, for that which has form must also be well defined in its limits—a purely Aristotelian position identifying the infinite with the indefinite.¹²² At last we come to Abraham

¹²⁰ See שער היחודו חובות הלכות ; ch. 8 : אין תכלית למנין ; also ch. 5 : ואם נעלה במחשבתנו דבר שאין לו תכלית בפועל ונפריש ממנו קצתו יהיה השאר פהות ממה שהיה קודם מבלי ספק ואם יהיה השאר מאין תכלית יהיה דבר שאין לה תכלית גדול מדבר שאין לו תכלית והוא מה שא"א. This argument is mentioned in Spinoza's *Ethics*. See his note to Part I, prop. xv.

¹²¹ *Ibid.*, ch. 5 : מן הירוע כי כל מה שיש לו חלק יש לו כל כי אין הכל ב"א כלל חלקיו ולא יתכן להיות חלק למה שאין לו תכלית.

¹²² *Fons Vitae*, IV, 6, p. 224 'Res autem non est finita nisi per suam formam quia res quae infinita est non habet formam qua fiat unum et differat ab alia ; et ideo essentia aeterna est infinita quae non habet formam.' *Comp.* V, 23, p. 300, and 29, p. 309.

Ibn Daud, who reiterates the Aristotelian position that only number, which has a potential existence, is infinite, but all actual things are finite. This thesis rests on the following four arguments, all except the first one being Aristotelian.

1. Let two lines AB and CD be drawn *ad infinitum*.



On CD mark off a finite segment CE . Let the line ED be superposed on AB so that point E coincides with point A . Now the question is, is ED equal to AB ? If ED equals AB , it will also equal CD , but how can a part be equal to the whole? If ED is less than AB , how can one infinity be smaller than another? And if ED is not infinite, how does ED plus CE , two finite lines, make an infinite line? This argument resembles Bahya's argument with one line.

2. There can be no infinite number of things, for a number is that which has been counted over, but infinity is that which cannot be counted over. Consequently an infinite number is a contradiction. Besides, a series has at least one limit, but in a beginningless and endless series all terms are intermediary. Consequently an absolutely infinite series is inconceivable.

3. An infinite body would not be in place, for that implies a containing body, and hence a larger magnitude than itself. But what is larger than the infinite? Here the reader may object that from the Aristotelian standpoint not all things are in space. The all-containing sphere is itself not contained.

4. An infinite body would not be at rest, for a body is

only at rest in its 'natural place', which an infinite body does not have. Nor would it be in motion, for a moving body leaves one place and occupies another place which it has not before occupied. But no place is free from the infinite. Hence an unlimited body is impossible.¹²³

A critical survey of these four arguments brings out a very important point. We find that the fourth argument is based on an absurd fiction of 'natural places'. The objection to the third has been given. It is the second argument that is truly valid, and defeats the first argument. It points out the absurdity of believing in a numerical or spatial quantity that is infinite. If quantity means anything at all, it is a well-defined relationship between the whole and a supposed part. The only difference between numerical and spatial quantity is that the one denotes a discrete nature and the other a continuous one. But whether it is ten discrete units or ten continuous inches, the relationship between the whole and the part is limited, nothing more and nothing less. Infinity, however, is that which has no limit, and hence cannot enter such relationship at all. Therefore an infinite quantity means nothing else than an infinite finitude, which is utterly meaningless. But if this is true, the fallacy of the first argument of Ibn Daud, and with it many more arguments that may possibly be fashioned after this model, becomes quite evident. If infinity has no quantitative relationships, of course nothing can be added to it or detracted from it—which means a change in those relationships; and the non-existence of infinity cannot be proved on that account. This point was noticed by Maimonides, and amplified by Moses Narboni.

¹²³ *Enumah Ramah*, pp. 15 ff.

In his exposition of the Kalam¹²⁴ Maimonides refers to some of the arguments adduced by that school against the infinite. Now Maimonides himself as an adherent of the Ptolemaic system of astronomy, and the creationistic theory, and as an opponent of the belief in a void, of course maintains absolute finitude in space as well as in time. Only he finds fault with the particular arguments on the basis of which the Mutakallimun negate infinity. They argue that if the world had no beginning in time, there would have elapsed up to this moment an infinite number of points and an infinite number of spherical revolutions and an infinite number of transient accidents. This whole process of fleeting moments and revolving spheres and transitory accidents still goes on, and a thousand years from to-day these infinities will be swelled by a certain number, and the infinity then will be greater than an infinite to-day.¹²⁵ Furthermore, if the eternity of the world is true, every celestial body has had an infinite number of revolutions. Now there is a definite ratio between these revolutions. While the terrestrial globe completes its circuit once a year, the lunar globe completes its circuit twelve times in a year. It makes no difference how long you allow these two spheres to revolve, the ratio will always remain 12 : 1. Now allow them to revolve *ad infinitum*, the numbers of their revolutions will be infinite ; but one infinity will be twelve times

¹²⁴ *Guide*, I, 74, seventh argument ; comp. *Cosari*, V, ch. 18, First Axiom.

¹²⁵ See also *Eṣ Ḥayyim*, ch. X: שאם לא כן ימצא דבר שאין תכלית לו יותר ממה שאין תכלית לו בשעור שנחסרו להויות באלף שנים בנא זה שאי אפשר : 343. See also *Milhamot*, p. 343: אחר סוד זה ולדבר האחר נוספו שיהיה הזמן החולף בלתי בעל תכלית שאם היה אפשר זה לא יהיה רושם במה שיתחדש מהתנועה בהוספת הזמן . . .

as much as the other, because the ratio subsisting between parts is also the ratio between their totalities, consequently infinity is impossible.¹²⁶ A more modern illustration than that of heavenly bodies may be found in dollars and cents. A dollar is to a cent as a hundred to one—a ratio which holds good for any number of these two coins; so that an infinite number of dollars will be a hundred times as much as an infinite of cents. You may invent many more such arguments from any system of weights and measurements, and you will get the same conclusion, contradicting the fundamental notion of the infinite, namely, that it is that greater than which is impossible.

But if we keep our previous conclusions clearly in mind, that the infinite, existent or non-existent, is no quantity, that it can enter into no quantitative relationships, it becomes evident first of all that a thousand years from to-day we will have no greater infinite, whether of temporal moments or spherical revolutions, than now; for the terms 'greater' and 'less' imply a quantitative whole, which infinity is not. And, secondly, it becomes evident that the ratio subsisting between parts falls off as soon as you enter the realm of the infinite, because the ratio is a quantitative relationship, and furthermore because the ratio between parts which is to hold good between their respective totalities is by no means similarly applicable to the infinite, which is not a quantitative totality. Thus as soon as you subject the infinite to mathematical calculations it slips as it were from your grasp, and what you are really dealing with is some big imaginary *finite* magnitude; but then, after you have drawn your conclusion, you exclaim

¹²⁶ Gersonides adduces the same argument in his *Milhamot*, p. 342. Similarly, see Spinoza, *l. c.*

triumphantly 'Eureka'. Maimonides therefore remarks very truly: 'The individual accidents that have passed into non-existence are counted and represented as though they were still in existence, and *as though they were things with a definite beginning; this imaginary number is then either increased or reduced.*' For it is evident that when you wish to add or detract you deal with a totality, and, as Aristotle remarked, the total and the infinite are mutually contradictory. The total is that beyond which there is nothing, and the infinite is that which admits of no beyond altogether. Infinite means endless, a being that is everywhere and whose existence, being immeasurable, cannot be expressed in any mathematical formula, and cannot be the basis of any mathematical equation.¹²⁷

The next man who grappled with this problem was Gersonides. I cannot allow myself, however, to omit two casual but characteristic remarks of two men living before him, Isaac Ibn Latif and Isaac Israeli. The former maintains¹²⁸ that the fact that our perception gives us the finite only, is not because reality is finite, but because our perceptive organs are unable to see the infinite.

¹²⁷ See Narboni, who expatiates on this idea which Maimonides puts very briefly and suggestively.

¹²⁸ רב פעלים, section 63: חכמת המנין מציאותה מורגשת אלא שנמתחת והולכת עד לאין תכלית וכן חכמת השיעור הנקראת בלשון ערבי הנדסה גם היא מורגשת ונמתחת והולכת עד שנעלמת מן העין והנשאר מציאותה בשכל בלבד כדמיון מהלך שאין לה תכלית וכמציאות שני קוים שיש ביניהם בתחילת יציאתם שום מרחק על מה שיתרחקו ותחסר המרחק ויתקרבו האחד אל האחד ולא יתכן שיפגשו לעולם ואפילו יצאו לאין תכלית. This last illustration Ibn Latif copied literally from the *Guide*, I, 73, prop. 10, where it is quoted from a certain *Book of Cones*, concerning which see Steinschneider, *Heb. Ueber*, p. 169. It is also cited in the *Or Adonai*, p. 16 a.

That is why our mind does posit an infinite. Israeli, on the other hand, suggests¹²⁹ that though the human mind is capable of drawing the line and the surface and the solid *ad infinitum*, reality consists of finite and definitely-shaped objects. The former, Isaac Ibn Latif, was a Kabbalist, moving in a mysterious boundless atmosphere; the latter, Isaac Israeli, was a scientist busying himself with geometrical figures.

The Maimonidean suggestion that infinity does not denote any quantity, served as a starting-point for Gersonides. The latter, first of all, establishes that any quantity, whether numerical or spatial, is by its nature limited. This is a genuine Aristotelian conception. 'But', says Gersonides, 'we do not admit that the reason why matter, number, and magnitude are quantitatively finite is because they are actual, as the Philosopher holds, but because of the intrinsic nature of quantity, the proof of this being that number, even in the case of potential objects like time, must be limited nevertheless.'¹³⁰ Thus quantity is by its very definition finite. On the other hand, infinity is beyond any quantitative description. That is why the current definition of infinity as greater than the greatest conceivable body, is radically wrong. The difference between infinite and finite is not merely in *degree* but in *essence*. There is a wide unbridgeable chasm between these two natures. The infinite is irreducible to the finite, nor can the finite be enlarged to the infinite. Divide and subdivide the unlimited, if that is at all possible, and you

¹²⁹ See *Yesod Olam*, I, 2, p. 5a: ידוע הוא שהשטח והקו והנוף הוא יוכל : לרוע הוא שחשבה אפילו עד אין חקר אבל אין שום אמד מהם נמצא להמשך במחשבה אפילו עד אין חקר אבל אין שום אמד מהם נמצא בפועל אלא בעל תכלית ותמונה.

¹³⁰ *Millhamot*, pp. 336 ff.

are still within the realm of the unlimited.¹³¹ On the other hand, even if you were granted eternal life, and were to be engaged all your time in putting together particles of space, you would not step over the boundary of the finite. 'Just as a point will remain a point no matter how much you multiply it, because out of indivisibles you cannot get anything else than the indivisible; so magnitude will always remain magnitude, no matter how much you may multiply it; for *it is infinitely finite with all augmentation*.'¹³² The latter is a very pregnant saying: 'Magnitude is infinitely finite.' The infinite is not a product of an inconceivable number of finite spaces. It does not differ from the finite quantitatively, but qualitatively; it is altogether *sui generis*. What that essential quality is, is not quite clearly expressed. But the meaning seems to be this, namely, the removal in our thought of all quantitative determinations and limits. Focus your attention on the spatial fact itself, purely as a simultaneous co-existence without thinking of how far it is spatial, or on time purely as a successive flux, without thinking of the length of its duration; just as you may think of colour without regard to its space limits, and you have the notion of the infinite. Spatial infinity then might be defined as the representation

¹³¹ Thus he argues on p. 406, on the basis of this idea which can be expressed in the equation $\frac{\infty}{n} = \infty$, that if we divide infinite time into a finite number of times, we find ourselves in a baffling dilemma. The whole is naturally bigger than the part, but the part of an infinite is likewise infinite, how then can we conceive of two infinities, one greater than the other? Hence time is finite. Comp. also his argument from the 'Lunar Eclipse' on p. 342.

¹³² *Ibid.*, 345: תמיד לאין תכלית בעל תכלית (i. e. magnitude) כי הוא עמ. זאת ההוספה.

of the space-fact itself without regard to its quantitative aspect. This conception of the infinite is novel and interesting; it justifies the possibility of such a notion without involving oneself in numerous antinomies that arise out of a misunderstanding; and the emphasis that it lays on the idea that the infinite is not merely something greater than the greatest conceivable finite, marks an advance in history of the notion. The reader will note that Professor Fullerton recently urged exactly the same point, and on the basis of very much similar arguments.¹³³

But conception is one thing, and reality another. Such an abstract idea of the infinite is, like all abstractions, a purely mental fact. In reality, everything is limited and can be represented in a definite quantitative form; and

¹³³ See his *Conception of the Infinite*, ch. 2. I could hardly suspect Professor Fullerton of having read the *Milhamot*, but there is a very famous thinker in the history of modern philosophy who takes a similar view on the meaning of the infinite, and about whom such a suspicion might be ventured, I mean Baruch Spinoza. In Part I of his *Ethics* he lays down the proposition that substance absolutely infinite is indivisible; and anticipating some difficulty on the part of the reader to grasp the meaning of this paradoxical statement, he seeks to make it comprehensible (see note to prop. xv). But our study of Gersonides makes the meaning clear. The infinite is merely 'the representation of the space-fact itself without regard to its quantitative aspect', and is therefore indivisible. Only a definite quantity can be divided; spatiality as such is found in the same degree in a grain of sand and in the immeasurable ocean. The infinite designates space as a *quality* of matter and consequently suffers no diminution by any process of *quantitative* division. That this indeed is Spinoza's meaning is evident from his definition of eternity which is simply infinity in succession, namely, as 'existence itself in so far as it is conceived necessarily to follow solely from the definition of that which is eternal' and as distinguished from beginningless and endless continuity. Be it also remarked that from this standpoint the distinction between the infinite and the infinitesimal disappears, for the degree of largeness or smallness of matter plays no part in this conception of the infinite.

space is bounded with the bounds of the universe.¹³⁴ Yet there is one sense in which infinity can be said to be real, and that is *in process*. There is no end to the mental power of augmentation and diminution. There is no final term to a convergent series enlarging space by a certain unit, nor to a divergent series lessening space by a certain unit. Such a series may go on *ad infinitum*, though every term in that series is but a limited quantity, and gives us a sum total of a limited quantity. All this is because the human mind has acquired the ability to add and detract, and not having experienced anything that refuses addition or subtraction, it can conceive of no limit to that ability. But by addition and subtraction we can get nothing but finite results, so that this mental ability implies two apparently diametrically opposite things, namely, an infinite process with finite results. Indeed, the very exercise of this ability precludes any infinite result, for then the process would come to an end, inasmuch as nothing can be added to the infinite, and thus the process would no more be infinite. Yet the reader will ask, if infinite addition means anything at all, it means that there is no end to the process of adding, consequently there is no end to that which is added. But, as I have shown, if you analyse the term infinite addition, you find that it means that the additional process has no limit beyond which it cannot be carried, but an infinite result which cannot be augmented any more must set up a limit to the process. Hence the inference from infinity of process to infinity of state is

¹³⁴ *I. c.*, p. 339. See also p. 386: ובכלל הנה אין כל מה שידמה האדם צודק ולא ידמה האדם כל צודק אבל שם דברים צודקים לא יתכן שידמה אותם האדם כמו כלות העולם אל העדר המוחלט שאינו לא דקות ולא מלוי ומה שידמה לזה.

unjustifiable. That is why 'magnitude is infinitely finite'.

This explanation of Gersonides differs from the theory of potentiality as developed by Aristotle. He cautions¹³⁵ the reader not to understand by infinite divisibility or augmentation that a body harbours a possibility to be reduced into an infinitesimal or enlarged into an infinite, because that involves a misunderstanding of the infinite which really cannot be attained by means of the finite. All that is meant is, that a body, being extended, must be divisible; and inasmuch as it is a physical law that a body cannot be destroyed by division, every part must be further divisible. Similarly with augmentation, because any dimensional body has the quality of being enlarged. Thus two series set in, one convergent (1, 2, 3, 4, 5, &c.) and the other divergent ($1, \frac{1}{2}, \frac{1}{4}, \frac{1}{8}, \frac{1}{16}, \text{&c.}$). Both series run *ad infinitum*; and it is the condition of such a series, as has been shown, that no infinite term can be reached. Gersonides was more consistent than Aristotle, in making no discrimination between infinite divisibility and infinite augmentation.

Thus Gersonides's standpoint makes a genuine contribution to the history of this difficult problem. In completely severing the notion of the infinite from any quantitative relations, and in showing how infinity of process may, and indeed must, go hand in hand with finitude of state, Gersonides may still claim attention from modern thought. We will now pass to the next man, Hasdai Crescas.

The reader perhaps expects from Crescas a defence of the theory of the infinite; the expectation being based on

¹³⁵ *Ibid.*, 334.

two reasons: first, Crescas was the first in the history of Jewish thought to challenge Aristotelianism, and thus might have been led to renounce also the Aristotelian theory of the finitude of things; secondly, Crescas was, as we have seen, the first Jewish thinker to postulate pure space outside of and beyond the confines of the universe, thus space at least must be limitless. Well, the reader is not altogether wrong in his expectation, though not quite right. It is true that Crescas took issue with Aristotle on the subject of the infinite, and apparently he explicitly states that space is unlimited. 'It has been explained', he remarks in one place, 'that outside the world there must be either a full or a void, and that boundless dimensionality must exist. And even if it were non-existent, we would have to posit it, just as the geometrician makes use of such a concept in the definition of parallel lines and other fundamental terms.'¹³⁶ The latter comparison, however, already casts some suspicion on the author's meaning. The geometrician does not assume the infinite as a necessary fact, but as a hypothetical nature which must conform if real to the general laws and conditions of geometrical figures. It is only in this sense that we say two parallel lines are infinitely equidistant from one another. If now you make further investigation into the author's real opinion, you will find that Crescas at bottom adopted the view-point that was elaborated by Gersonides.

I said that Crescas took issue with Aristotle on the subject of the infinite. Indeed, he attacked all arguments of the Greek philosopher, as well as other arguments that were advanced in negating the idea later by Arabian scholastics. An exposition of this discussion in detail

¹³⁶ אור ח', p. 16b.

would really lead me away into the infinite, I mean outside the limits of this work. I shall select two arguments which Shem Tob, the commentator of Maimonides,¹³⁷ thinks the most convincing proofs against the existence of the infinite, but which Crescas repudiated. These two arguments are absolutely necessary for our general problem, because they touch the fundamental question whether the mathematical laws of space admit of limitless extension.

The first argument Crescas quotes from Tabrizi,¹³⁸ an Arabian commentator of Maimonides, and is called an argument from superposition. Let AB represent a line

$$\begin{array}{ccc} A & C & B \\ \hline \end{array}$$

running *ad infinitum*. Mark off a certain distance from A and call it C . Thus we have here two infinite lines AB and CB . Now let the two lines so coincide that C falls on A . Evidently the line CB which is shorter by AC will terminate some distance from AB . Consequently one infinity is greater than another, which is absurd. Hence infinity is impossible. The reader will recall this argument from a Jewish source, namely, from Bahya, who lived some time before Tabrizi. But it is evident that the author of this proof juggles with the word infinite, and Crescas exposes that fact.

Altogether, Crescas remarks,¹³⁹ it is not exact to say

¹³⁷ See Shem Tob's Commentary on the *Guide*, II, Introd., prop. 1.

¹³⁸ אור ה', pp. 5 a and 15 a. The argument is called in Hebrew מופת ההתרבקות. The translation of Tabrizi's Commentary on the twenty-five propositions forming the introduction to Part II, was printed under the title קצת ביאורי מהמורה שאלות שאול הכהן together with Stein-schneider, *Heb. Ueber*, p. 207.

¹³⁹ אור ה', p. 67 b.: לא נרצה : כי באמרנו שהבב"ת אינו גדול מהבב"ת לא נרצה : כי הוא שוה לבב"ת שכבר התבאר שהבב"ת לא יפול שם השוה אבל נרצה בו שאין מדרכו שיתואר הבב"ת בגדול או קטן מבב"ת.

that one infinity cannot be greater than another, the fact is that it cannot also equal another. Not only inequality, but also equality, is inapplicable to infinities. For even when we say that a thing equals, we have in our mind a whole quantum, in other words, a limited nature. Hence it is just as absurd to maintain that AB equals, as to maintain that it is greater than CB , for in either case we only *say* that we are dealing with the unlimited; in our mind, however, we have a definite measured amount which we try to compare with another equal or unequal amount. All mathematical considerations, all signs of equality and inequality, must be dropped entirely, if we really wish to conceive the endless. Else we are like the fabulous peacock that sought to escape its feet by flying.

Having this idea clearly in mind, we will find that the whole difficulty with this argument disappears. Let us take an example from time which is supposedly beginningless. Up to now we have a series of moments infinite as to beginning, but limited by this present moment. A day passes by and a number of moments are added to the past. It does not mean, however, that the infinite has been 'increased', for this would suggest that we had a fixed calculable number of moments which we really did not have. We have a case of addition, but we cannot reduce it to a mathematical equation. What are you going to add it to? You are dealing here with unmathematical notions or metamathematical, if you will, and you have no right to

He thus overthrows Gersonides's argument against infinity from the infinite number of lunar eclipses, which not being greater, must be equal to, and coincident with, the infinite number of non-eclipses. According to Crescas one infinity can neither be greater nor equal to another, for it is altogether beyond the category of number. The whole passage is found verbatim in Abrabanel's *מפעלות אלהים*, IX, 7. See also above, end of ch. 2.

subject them to mathematical treatment. Similarly, you have drawn a line in space from this point *ad infinitum*, a yard further you have drawn a similar line. Both lines represent only an incomplete, so to speak, or unrealized infinite which must be endless as well as beginningless, leading from eternity to eternity. At any rate, all you have is a certain distance which might be added to the infinite line *B*. But to draw hastily a mathematical equation and to seek to get the net result, is to assume an imaginary finite line, or to have a wrong notion of what endlessness means.

The second argument is as follows :¹⁴⁰ If space is infinite we may select any point as a centre through which diameters run *ad infinitum*. The distance between any two diameters which form an angle at the centre becomes wider and wider until the intercepted arc would be infinite. Now the difficulty is twofold. First, if we imagine this infinite space to have a circular movement, how would the moving diameter cross this infinite intercepted arc? An infinity is just that which cannot be crossed over. Secondly, how can the arc be infinite when it is limited by the two diameters? and if it is not limited by them, the diameters must be finite. And if they are finite, the intercepted arc is naturally finite too.

Now, first, Crescas removes the objection from motion. It is inconceivable how an infinite body could move. To move means to leave an occupied place and to occupy an unoccupied place, but no place is free from the infinite. He now turns to the second difficulty. An intercepted arc

¹⁴⁰ אור ה', pp. 7 a, 16 b. This argument is in the main identical with Tabrizi's 'argument from scales', מופת הסולמי. Cf. *l. c.*, p. 5 b. Comp. also Spinoza's *Ethics*, part I, prop. xv, note.

between two infinite diameters would eventually be infinite. But if it is infinite, how is it limited by the two diameters, and if it is unlimited by them, they must be finite. To this Crescas replies, an infinite line does not mean one that has infinite extent between its ends—a meaning which is of course contradictory and nonsensical. Similarly, it is absurd to look on this diameter for a point which will be an infinite distance from the centre; and inasmuch as the arc could be infinite only at such a point, it is evident that an infinite arc is impossible. What then do we mean by 'the infinite diameter'? Just this, that there is no limit to the possibility of extending the line, because space itself cannot be conceived to have limits; that it can be infinitely prolonged and nevertheless preserve its finite nature. This fact may at first seem strange, but it is no more strange, says Crescas, than the fact cited in the *Book of Cones*,¹⁴¹ that two lines starting at a distance from one another, and drawing nearer while they go on, never come in contact, even though you may prolong them *ad infinitum*. Infinity then denotes a process which may be perpetually carried on without breaking up the integral nature of the object, just as finitude denotes a limit which a certain process cannot surpass without destroying the peculiar nature of the object, as when we say that a body is only finitely divisible. Thus the diameter is infinite because it can endlessly be extended, though it always preserves its finiteness, though it never reaches a point which is at a boundless distance from the centre, and so never possibly intercepts an infinite arc. The reader will recall the pregnant saying, 'Magnitude is infinitely finite'. The key-note of this whole discussion is that there is an infinite process, which naturally implies finite results.

¹⁴¹ See above, note 128.

Thus there are two fundamental notions about the infinite which stand out very clearly from these two arguments. The first argument shows that infinity is in nowise reducible to terms of finitude and quantity, and vice versa. Hence the idea that we conceive the infinite by means of a successive synthesis of finites is erroneous. We may delve deep into the bottomless abyss, we may soar on our imagination to the dreary regions of pure space, we may make a life-long, or an eternity-long, successive synthesis, but we will still find ourselves much within the boundaries of the finite, simply because finite plus finite equals finite. It is not by widening limits, but by removing limits, by thinking away all quantitative determinations, that we are allowed a glimpse of the infinite.

The second argument obviates an objection from the reader, namely, if space can be endlessly enlarged, it must finally be endlessly large. The word 'finally' is not appropriate. Infinity denotes a process which is endless, consequently it has no final term. Hence there can be no infinite state or infinite result, because that would be a final term. The second argument then brings out the complementary idea that there is a logical harmony between infinity of process and finitude of results.

Thus we have seen how this conception as a whole was first faintly suggested by Maimonides, given prominence by Narboni, elaborated and crystallized by Gersonides, and finally clarified by Hasdai Crescas. It may, therefore, be justly called the view of infinity of mediaeval Jewish philosophy—a view that may claim even at the present day the serious attention of the student who is perplexed by the tangle of numerous contradictions and antinomies which this problem presents.

CONCLUSION.

A brief *résumé* of the chief points in the preceding discussion is now in order. I shall select the four central problems that have occupied our attention so far, and examine the solution offered by the mediaeval Jewish thinkers. These problems are: (1) the reality of empirical space, (2) the infinite divisibility of space, (3) the existence of absolute space, and (4) the infinity of space.

(1) In Jewish philosophy space is conceived as an objective reality. By 'reality' I understand the existence of a thing in the objective world independent of our perception. The mediaeval mind in general saw no problem in the reality of space. One might have disputed on how many angels could stand tip-toe on a pin-head, but that the pin-head exists with a certain magnitude of extension, no one entertained any doubt. It is only the modern mind, hypersophisticated, philosophically gone astray, that nervously asks whether this vast extension above and below and around us is not a mere illusion. Not only did the Jewish thinkers affirm the independent existence of space, but some even went so far as to take a geometric view of things and conceive the corporeal essence in terms of space. Matter, they maintained, is not merely that which takes up space, but it *is* space. All other characteristics that a certain object may possess are altogether unimportant for a pure conception of matter. A material object, according to these thinkers, may be defined as a limited magnitude of space that possesses certain qualities. Thus space and matter are synonymous terms. Other thinkers are less radical, and put space in the category of qualities. Corporeality means for them some mysterious substrate,

the conception of which requires no space determinatives. Yet in reality, all admit, space is inseparable from matter.

(2) But if unextended matter is an impossibility, it is evident that the Arabian atomic hypothesis, which reduces matter to ultimate non-magnitudinal parts, must be rejected. A non-magnitudinal part is in the first place impossible in itself, and secondly, how could it produce extension by combining with a similar part? A point is zero of extension, and you may add zeros *ad infinitum* without ever getting a number. Besides, the word 'combine' itself, if it is meant in a physical and not in a chemical sense, which is irrelevant in this connexion, implies a limit coming in contact with another limit, and a limit is a point before which there is a point which is no limit. In short, combination implies that that which combines is an aggregate of points, and consequently extended. Hence the idea that matter is composed of ultimate spaceless parts must be abandoned. The truth is, that no matter how much you may divide and subdivide a piece of matter, you will always get something that is further divisible. Of course, practically, you will eventually reach a *minimum sensible*; theoretically, however, nothing prevents us from continuing with our process of division. Extension means 'alongsideness of parts', and hence divisibility. Consequently, as long as you have matter you have divisibility. Therefore anything, however small and minute, can be divided *ad infinitum*. But here a dreadful gap opens up wide before us. If things are infinitely divisible, they must have an infinite number of parts, but how can a finite object contain an infinite number of parts? How can we move over even the smallest distance? And how could Achilles overtake the tortoise when the distance between

them is infinitely divisible, and each half of the distance that Achilles covers leaves another half between them, growing smaller and smaller to be sure, but never becoming zero? Indeed, one might ask how they can both begin to move, since the very first step, even that of the tortoise, involves a crossing of an infinite abyss? The fourth point, on the infinity of space, will give an answer to these questions also.

(3) So much for empirical space, or concrete extensity. This is undeniably real, as real as matter of which it is the distinguishing characteristic. But is there such a thing as pure space, mere dimensionality outside of and beyond the world of matter? Here opinions differed, the majority being against the existence of a void. In accepting the Aristotelian notion of space as 'the inner limit of the containing body', or a mere relation of contiguity between two objects, the Jewish thinkers had to endorse the exclusion of the possibility of pure space. For if by space, as distinguished from concrete extension, is meant merely contiguity, it is evident that where there are no bodies, there can be no space. This is precisely the Leibnizian position. Yet there is this critical remark to be made. Such a position might indeed explain the possibility of conceiving the vanishing of the space order, with the annihilation of the world of matter. But if this relationship of contiguity is to supplant the notion of space, by inheriting also its apodictic certainty; I mean, if the mind necessarily postulates such contiguity in connexion with matter; if an object cannot be conceived to exist outside of such relationship, the question may be asked, how is the universe as a whole conceivable without such relations? What, if pure space is denied, is con-

tiguous with the confines of the world? By what is matter limited? Indeed, such an objection, we have seen, was raised against the Aristotelian theory of the existence of a sphere which is all-containing and not contained. But the Jewish thinkers who negated the void would have flatly refused to confer 'apodictic certainty' on the relationship of contiguity. Some, it is true, were puzzled by the question: What is there beyond? And after they have proved by a series of arguments, to their own satisfaction, that space has limits and there is nothing beyond, they suddenly started at their own expression: Yes, but does not the word 'beyond' suggest a spatial background? The whole puzzle, however, was solved very truly by Abrabanel. The mind constantly receives spatial impressions from the external world, so that it has acquired a habit to consider things in spatial relations. Hence a solitary object that is shorn of these relations, is not easily conceivable, but it is not inconceivable. The human mind can transcend this habit and conceive of a finite totality which stands in no spatial relations with anything else.

(4) And so I come to the last point in our discussion. We saw in connexion with the idea of the void, that the finitude of space is held by the majority of Jewish thinkers. But infinite space presents a problem of its own. On the one hand many mathematical demonstrations might be made showing the impossibility of infinity; on the other hand, infinity seems to be a positive fact of experience. There can be no limit to the possibility of enlarging an object, just as we have seen that there can be no limit to the possibility of dividing a certain object. And if that is so, will not these two antithetical processes evolve two

bodies, one infinitely large, and the other infinitely small? Jewish philosophy has this to say on this serious difficulty. It is contradictory to speak of a body that is 'infinitely large' or 'infinitely small'. The terms 'large' and 'small' denote quantity, they present to our mind a definite *limited* magnitude; and infinity means *limitless*. Infinity, above all, must be absolutely distinguished from quantity; it is just by the removal of quantity that you conceive the infinite. And the fundamental error in the first Kantian autonomy is just this: that infinity is conceived as a successive synthesis of parts, whereas true infinity refuses being measured because it is just the reverse of measure, and excludes the notion of a part because it is indivisible as well as unaugmentable, being no definite magnitude, and is not obtained by a series of successive syntheses, because you may choose the greatest conceivable magnitude and multiply it by the greatest imaginable number, and what you will have will be a finite object as finite as a grain of sand and a blade of grass. Finite plus finite equals finite.

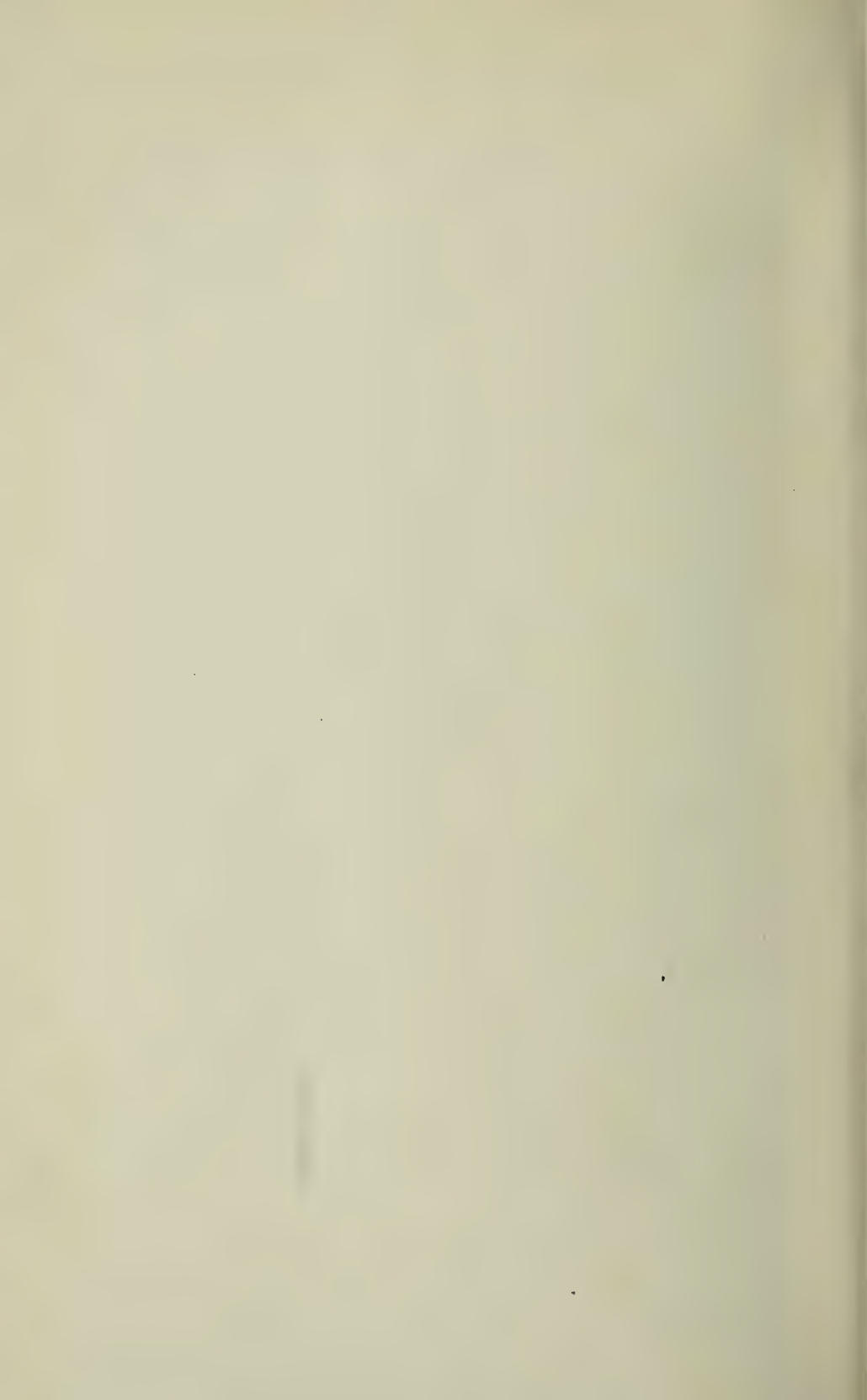
What then does infinity mean? It represents a process that may be carried endlessly without destroying the object; just as finitude represents such a process that will ultimately reach a limit, the crossing of which would spell injury to the object. It is in this sense that we say matter is infinitely augmentable, meaning that we can enlarge and further enlarge a given magnitude of matter *ad infinitum*, without ever producing an infinite magnitude, because that would mean the loss of matter which is by nature limited and circumscribed. Indeed, it is absurd to believe that such an infinite will eventually be reached, because then the process will cease, infinity being unaugmentable, and

the process will therefore be finite. Hence an infinite process presupposes finite results, and as one Jewish thinker cleverly remarked: Matter is infinitely finite. Similarly, infinite divisibility denotes that the process of division may be carried on theoretically *ad infinitum*, without bringing about the loss of the object. Yet this endless process never produces the infinitesimal, because that would involve the end of the process. But does not this mean, the reader will ask, that we could resolve a piece of matter into an infinite number of parts? No; first of all an infinite number is a contradiction of terms, and, secondly, if such an infinite number could possibly be attained the process of division would cease, but it is endless. Hence while each part becomes smaller and the number of parts greater, they cannot both overleap the boundaries of the finite. Thus Zeno's puzzles vanish like shadows in the light. We do not move over infinities, and Achilles can easily overtake the tortoise. What we have to bear in mind is only this, that infinity is a process, not a state.

Thus I have outlined briefly the Jewish standpoint in the problem of space, and I might conclude here perfectly well. Yet I should like to discuss one more point with the reader before we part. It is the Jewish empirical view versus the modern doctrine of the subjectivity of space. I fear that many a Kantian reader will leave this paper—if he looks at it at all—with a smile: Objectivity of space, Mediaevalism! Yet I believe that the phenomenalist theory has hindered rather than helped man in his desire to know his whereabouts, so as to adjust the interrelations in the best possible manner. Kant did not explain things, but transformed the world into a dreadful yawning abyss and called it Noumenon. He argued that we can mentally

annihilate and think away matter, but we cannot think away space, consequently space is a necessity of thought. But for myself, I cannot see how we can think away matter. Of course we can stop thinking at all, then we have thought away space, also; but to think and not to think of things is absurd. When we think, of course we think something and about something. Objects of experience are the contents of our thought; think away those objects, and thought becomes meaningless. And as for space being a necessity of the mind, Abrabanel, we have seen, explains it very clearly. It is a habit contracted by the mind under the pressure of constant spatial experience. Had the human mind been born in a spaceless universe, spacelessness would have become a necessity of thought. For what is consciousness if not the manifold impresses of external stimuli? Hence the very idea that space is a necessity of thought proves that it is a necessity of reality. To deny this means to assume that the mind is some independent spiritual nature capable of engendering an order of existence. Of course, the infant undoubtedly has some dim sense of space, but this may have been because of the fact that the universal reality of space has developed in the human mind in the course of its evolution a spatial sense, because it helped the mind to adjust its relations to the external order; and so this innate spatial sense is itself evidence for the reality of space. But I cannot take up this phase of the question here.

Thus I submit this Jewish empirical standpoint to the student of the problem of space, as a possible solution.



RECENT HISTORICAL LITERATURE

Studien zur Geschichte der Juden im Königreich Aragonien während des 13. und 14. Jahrhunderts. Von Dr. FRITZ BAER. Berlin: Verlag von EMIL EBERING, 1913. pp. 212.

DR. BAER'S Studies make a noteworthy contribution to the important series of *Historische Studien* under the general editorship of the veteran historian Emil Ebering, of which series Dr. Baer's book forms volume 106. Among Jewish historical studies, Dr. Baer's book will rank as an able presentation of the constitutional development of an important section of Mediaeval Jewry. It is the special merit of Dr. Baer's work, moreover, that he has utilized with unprecedented thoroughness the invaluable archive material of Jacobs, and Régné (up to the date of Baer's publication), the important researches of local Spanish historians, and has made extensive use of the rabbinic responsa.

Dividing his book into two sections of unequal length, the author defines in the one part the legal status of the Jews in Aragon, and in the other their economic position (*wirtschaftliche Lage*). The social life proper does not fall within the scope of the present work. The first division, to which two-thirds of the text are devoted, is divided into three comprehensive chapters: the Jews and the public powers, i. e. the king, the feudal lords, the towns, and the Church: the legal relations between the Jews and their Christian fellow-citizens, which might more properly have been entitled, the personal rights of the Jews and their legal relations with their Christian neighbours: and finally, the composition and administration of the Jewish communities. The second division consists of two chapters: the size and material development of the Jewish communities in the kingdom of Aragon: and the economic occupations of the Jews. This part contains

important statistical data, but is not so adequately treated as the first division of the book. It is followed by an excursus on the rôle of the Jews in the fiscal administration of the Aragon States in the thirteenth century, and an appendix which in the manner of Hoffmann's *Geldhandel der deutschen Juden* contains representative selections from the rabbinic responsa.

The exposition of the legal status is in the main well conceived. The status of the Jews in Spain was but their status in Mediaeval Christendom—a misfit by-product of Christian theory and the feudal order. The legal theory prevailed generally in the European countries that the Jews were everywhere aliens, being without a *natural* right to the territory which they inhabited, and automatically falling to the possession of the king as soon as they set foot on his soil. Like the Saracens, the Spanish Jews belonged to the *Patrimonio Real*, and as earlier in the pseudo-Roman Empire, so in Spain in the fourteenth century they were called specifically *servi camerae*.

Though Baer urges caution against the sweeping theories of the Mediaeval Codes, and explains that in no literal sense could the Jews be described as the king's chattel, he overemphasizes nevertheless the legal attachment of the Jews to the king and their alleged inability under the penalty of loss of life and property to leave the king's dominion without a special royal authorization. The Jews being a source of revenue, it was natural for the king to look with favour upon Jewish immigration and to frown upon their emigration, and indeed James I and his successors distinctly forbade the latter. But the prohibition seems to have been primarily directed against the acquisition of Jews by his feudal vassals rather than to fix upon the Jews a status akin to serfdom. That it was not an effective check on Jewish emigration is decisively shown in the responsa where the Jewish population appears essentially mobile. Nor is the evidence which Baer collected (p. 14, n. 10) sufficiently imposing to warrant his important generalization. Between Régné 94, 95, 574, and Jacobs 1038, 1044 there is a gap of approximately sixty years, and the latter seem to imply a new decree. In the former, the emigrants were

plainly creditors, who therefore *in absentia* were still conducting gainful enterprise in their native town and thus had not entirely severed connexion with their former domicile. Barfat I, 2 states openly that the confiscation of the property of emigrants as newly decreed, that it was illegal extortion, and that it was consequently permitted to evade the law. To this may be added Ibn Adret, *Responsa*, V, 198, where the French authorities are quoted approvingly that 'Jews are like knights' and therefore have the right to change their domicile. (Cf. Tosafot, Baba kamma 58 a). Finally, it should be emphasized that within the crownlands, the Jews enjoyed full freedom of movement.

The motives that determined the Jewish policies of the Aragon kings are grouped by Baer under three headings: the demands of the Catholic Church, the interests of the Christian subjects, and the increase of the royal budget. Without exception, the Spanish kings of the period under consideration showed but little inclination to obey the behests of canon law and papal exhortations against the Jews. But their personal piety and Christian zeal strongly favoured a legislative policy looking toward the conversion of the Jews through compulsory disputations, enforced Church attendance, and even the instrument of the Inquisition, when the latter did not invade their seignorial rights. The interests of the Christian subjects, on the other hand, figure but slightly as a conscious factor in the king's attitude to the Jews. Indeed, the laws against usury which Baer attributes to this motive were originally granted as a concession to the Church rather than the people (cf. Régné, 5). Baer fails to interpret the king's apparent unconcern about the general welfare of his Christian subjects as being in reality a significant recognition of the beneficial character of the economic activities of the Jews. Both the religious as well as the national considerations, however, were but contributory causes to the prime purpose by which the kings were guided in all their relations to the Jews, the royal revenue.

In this graduated scheme of royal motives, it will be noted, the interests of the Jews *per se* play no part. Their profit and increase were but the king's gain, and were thus encouraged by him

from a motive of self-interest. The validity of the latter interpretation in general is indisputable, and, it may be added, no one realized its significance more than the Jews themselves. But as even mediaeval kings were prone to human inconsistency, their acts were often promoted by higher motives, which too receive full recognition in the Jewish sources. Moreover, the sway of the Jewish court-favourites and high officials in Spain was such that their influence upon the king might indeed have been accounted as an independent factor in shaping the Jewish policies of the Spanish Crown. Evidently, however, Baer shares the usual tendency to regard the political life of the mediaeval Jews as entirely passive. Plausible as this view may appear, it reveals only a half-truth. It ignores completely the reaction of the Jews, which was of high practical and theoretical importance. For though in the last resort the Jews had no voice in framing the laws which affected their political, economic, and religious condition, they subjected every decree of the king and curia to their own standards of justice and equity, and to their own conceptions of political theory. The judicial opinions of the rabbis presume to define the rights of the sovereign, the nation, and the Jews (Ibn Adret II, 134, V, 4, VI, 149). In numerous cases they pass adversely upon the legality of the king's decrees. They limit his right of confiscation (Barfat, II, 9). They champion the Jews' unrestricted right of travel and emigration (Ibn Adret, V, 198; Barfat, I, 2, II, 9). They uphold the property rights of marranos who fled to do penance (Barfat, I, 2). These judicial decisions did not of course contemplate open resistance; but they did sanction and accomplish the evasion and secret defeat of such measures as were not based on justice or established prerogative. Always based on rabbinic law and precedent, they represent not merely the theoretical interest of legalists, but reflect the historical view-point of mediaeval Jewry, which has too long and uniformly been neglected in our expositions of Jewish history.

Dr. Baer has therefore unhappily missed the opportunity, which his knowledge of the responsa amply afforded, of treating his subject from a fresh angle. Nowhere is this shortcoming so

apparent as in the description of the inner administration of the Jewish communities. In this exposition, the basis of the communal organization rests solely on the bewildering series of detailed regulations which were issued by the kings relating to the individual aljamas. To the Jews who lived under these statutes, however, the laws appeared only as the external authorization of the king, as the limitation rather than the sanction of Jewish communal government. Thus in a trenchant review of the laws which governed the election of communal officers in Barcelona and which were based on an edict of the king as well as a communal statute, R. Isaac Barfat stated clearly: 'There is no doubt but that without the confirmation of our lord the King, high be his glory, the Aljama has the authority in accordance with the law of our Torah to frame its own ordinances, and to ban, excommunicate, and penalize the offenders of its statutes But because the fear of the King was upon them, lest the rulers say, Ye have usurped your authority without the consent of the King, and also in order to overawe would-be offenders with the dread of the sovereign, they solicited the decree from the lord our King, high be his glory (Barfat, I, 228). Whatever the resemblance between the communal government of the Jews and the municipal administration of the mediaeval city, it was from the mass of rabbinic law that the Jews drew their fundamental principles of representative government. In the terms of halakah, they defined the legislative authority of the majority, and by its standards they upheld as well the inalienable rights of the minority. (Ibn Adret, I, 729, III, 392, V, 126, 277-8; 178). The relation of a major community to its subordinate aljamas in a governmental province (*Ibid.*, III, 411), the autonomy of political or economic parties within the larger Kahal (*Ibid.*, IV, 185), the attempted secession of individuals or parties from the corporate body (*Ibid.*, I, 769, V, 277), the validity, or constitutionality of statutes touching the religious, economic, and political life of the members of the community were all studied and treated in the light of rabbinic law. Thus, for instance, it is impossible to understand the problem of legislative readjustment which constantly faced the

Jewish communities without a knowledge of the halakah of the vow and the ban, and the regulations governing their recall. To treat the Bet-din solely as a subordinate appendage of the governing Council (Baer, p. 107) and to dispose of the function of the Rabbi in the mediaeval community in twenty-two lines of text (pp. 117-18) is virtually to throw out of gear the centre of legal authority and moral sanction among the Jews in the Middle Ages.

The merit of Dr. Baer's sketch of the Jewish communal organization lies chiefly in the skill with which he has sifted and identified the loose Hebrew titles of the higher communal officials. The organized life of mediaeval Jewry created new functions without coining a correspondingly new terminology. Old terms were taken, it would appear, almost at random, and were applied in a loose fashion to designate new offices. The result was, to say the least, confusing. Thus the term **ברורים** refers alternately to the Governing Council, the Supervisors of Taxes, the Committee on Religious and Moral Observance, and the Court, or Bet-din. The connotation of **נאמנים** in Eastern Catalonia differed from its meaning in Western Catalonia; and so, other examples of ambiguity and multiplicity of meaning may easily be added. Out of this confusion, Baer was no doubt helped in part by the Latin and Spanish equivalents of the Hebrew terms, which occur in the non-Hebrew sources, which he has sifted with technical skill, and he thus helped to restore a fair picture of the official family of the Jewish communal organization. Nevertheless, his identifications are not always warranted. Thus, the **ברורי עברות** who supervised the moral and religious discipline in the community, it is to be assumed, formed an independent body like the tax-officials, and are not to be identified with the general Board of Mukdamim or Neemanim merely because the latter officials also at times performed similar functions *in other communities*. Nor is there sufficient warrant for treating the Aljama of Catalonia as a distinct type different from the community of Aragon or Valencia, because the one was headed by a board called Neemanim and the other by the Mukdamim, as the functions of the two bodies were completely identical despite their difference in name. Indeed,

even in Castile which was an independent kingdom and was ruled by a different dynasty, the development of the Jewish communal organization was sufficiently similar to that of the joint monarchy of Aragon, Catalonia, and Valencia to justify the use of the common national term, the Spanish *Aljama*.—Incidentally it may be remarked that Baer's statement, which is based on Amador de los Rios, that in Castile Jews were forbidden to acquire land at the end of the thirteenth century, &c., ought to be corrected in view of the contradictory evidence of the *responsa* of R. Asher and his son R. Judah. Divisions 95-99 in R. Asher's *responsa* refer primarily to cases of landed property.

In general, it is true that the Jews usually lived apart from the general population, but it cannot be made a rule that in *every* city (Baer, p. 88) the Jews lived in a separate quarter. (Cf. Ibn Adret, I, 1129). Ibn Adret, V, 222 does not sustain Baer in the conclusion that the entire male population from the age of fifteen upwards participated in the communal assemblies. The *responsum* states merely that the ban against the evasion of tax-duties was to be pronounced in the Synagogue in the presence of all males from the age of fifteen upward, i. e. all male persons liable to taxes. Baer's unsupported assertion (p. 18) that the Jews unlike the Saracens were free from the poll-tax, stands in strange contradiction to Ibn Adret, V, 178, IV, 64-5. Baer assumes that in the *aljamas* the bakers like the butchers had to be Jews because of ritual observances. He has apparently overlooked the remark of an eye-witness, R. Menahem b. Zerah, that 'in most places whither we have been exiled there is no Jewish baker'. (*Zedah la-Derek*, p. 102 b, ed. Sabbioneta). As for Jewish butchers, see Ibn Adret, III, 253.

The selections from the *responsa* which end the *Studien* are well chosen. Altogether, Dr. Baer's volume is a notable contribution, which will be gratefully received by all students of Spanish-Jewish history.

Josephus. By NORMAN BENTWICH. Philadelphia: The JEWISH PUBLICATION SOCIETY OF AMERICA, 1914. pp. 266 + 3 photographic illustrations.

This volume on Josephus is the second contribution of Mr. Bentwich to the Biographical Series of Jewish Worthies, projected by the Jewish Publication Society of America. The time is not so distant when the embellished works of Josephus in Whiston's translation were assigned an honourable place by the side of the Bible in every pious household in England and America. Nevertheless, it is a fact that Josephus and his writings have been strangely neglected in English literature, scientific no less than popular, so that the Society by its recent publication has filled a long-felt desideratum, and the author has produced a work to which special interest is attached thereby. The book is primarily designed for Jewish readers, and the author's avowed aim was 'to consider Josephus from the Jewish point of view'.

The want of sympathy which Mr. Bentwich felt for his 'hero' happily did not detract from the pleasantness of his style. The presentation shows the writer's firm grasp of the intricate problems of his subject, and his exposition though largely argumentative is lucid and attractive. Of the nine chapters which compose the book, the first is very properly a *résumé* of the relations of Rome and Judea up to the great tragedy of tragedies: the second and third chapters give a critical account of Josephus, the soldier, and traitor to his country; the remainder of the volume is an appreciation—in my opinion, a depreciation—of the literary work of Josephus.

From the start, the writer adopts a sceptical attitude towards Josephus' self-representation, which leads him not only to question Josephus' boasted attainments in Jewish lore, but even to doubt the account of his early training under the Essene Banus. The same cavilling tendency the writer displays with more serious consequences in his estimation of Josephus' literary and historic merits. The stout claim of the author of the 'Wars' that the work was based on his own notes taken from personal observation

is confuted, and the suggestion is made that 'with Josephus it is true that "once a compiler, always a compiler"'.

With a few skilful touches, Mr. Bentwich depicts the history of Jewish historic writing in the Graeco-Roman period till the time of Josephus. The linking of the Occident and the Orient through the conquests of Alexander the Great broadened the sympathies and historic interests of the Greek. This affected powerfully the writing of Jewish history; for henceforth the Jews came within the ken of Greek encyclopedists and national historians, and Hellenized Jews were thereby stimulated to write their own history in order to supplement and oft-times to correct the libellous accounts of the heathen writers. Under these influences and under the inspiration of the Maccabees, a considerable historic literature sprang up, written in a didactic vein from the practical view-point of the apologist. This polemic character of all Jewish-Hellenistic writing, Mr. Bentwich describes with sufficient clearness and emphasis, and yet he might have taken this more fully into consideration in his caustic criticism of the inaccuracy and the colouring of Josephus' writings.

This Greek and Hellenistic literature, the greater part of which is known to us only through the liberal quotations of Josephus, the latter did not know at first hand, is the view adopted by Mr. Bentwich. The vast erudition which Josephus displays in all his works he culled artificially from a few collections of industrious compilers. 'His archaeology extended only to the reading of one or more writers of universal ancient history' (p. 142). Alexander Polyhystor and Nicholas of Damascus supplied him with the names of the Jewish and Greek authors and also with brief extracts from their works, referring to the Jews. Besides the books of these two authors, his literary apparatus for the twenty books of the *Antiquities* was limited to the Bible, the First Book of the Maccabees, minus the last two (three?) chapters, the lost chronicle of John Hyrcanus, Strabo's History, and perhaps several hypothetical chronicles of Jewish Hellenistic origin. These sources he slavishly incorporated in his works either verbatim or with slight paraphrasing, so that they awkwardly bear their original

earmarks. Even in matters of opinion, he copied the point of view of whatever guide he happened to follow, so that the reader is always uncertain as to whether he is confronted with the judgement of Jew, Greek, or Roman. This theory of Josephus' method of writing is applied in its extreme form to the 'Wars', in which not only is the point of view said to be borrowed from a Roman source, but the entire work is characterized as a compilation of the works of *unknown* predecessors to which Josephus added 'something from his personal experience and his national pride'.

The views advanced by Mr. Bentwich are not original with him, and it is not necessary to enter here into a critical examination of the individual opinions expressed by the author. Suffice it to say, that on the whole the exposition is in harmony with the conclusions of Destimon—though the latter's bold theory of the Anonymus is not entirely adopted—Niese, and in the Wars, most faithfully, Schlatter. While their conclusions by no means represent the consensus of scholarly opinion, and both Schürer and Juster place much greater credence and value on Josephus as an historian, nevertheless, Mr. Bentwich is of course entirely within the bounds of scholarly grace in following the trends of those scholars, whose contribution to the study of Josephus is unquestioned. Yet it is to be regretted that in a popular book which aims to introduce Josephus to the English readers, the literary and historic merits of Josephus should be thus belittled and minimized. The presentation is hardly calculated to stimulate the reader to a further study of Josephus' work.

Much less justifiable is Mr. Bentwich's subjective criticism of Josephus from the Jewish point of view. 'It is when tried by the test of faithfulness to his nation that Josephus is found most wanting', the author writes anticipatively in the preface.' This verdict which is axiomatic of Josephus the General cannot however be assumed for Josephus the Apologist and Chronicler of his nation. No one will have the hardihood to vindicate the character of Josephus. His exaggerated egoism, his personal conceit, and, above all, his confessed betrayal of his country's cause are so glaringly exposed in his own writings that it may well be said that

Josephus was his own worst traducer. But it cannot be denied that at bottom he loved his religion and his race, and that though at one time he threw down his country's sword, he did not lack the courage later on to take up the literary cudgels against a host of his people's calumniators. It is unjust to deny to him the authorship of the finest passages in *Contra Apionem* simply because 'they are too eloquent and inspired to fit Josephus', and it is just as unwarranted to criticize the historian of the first century for not having written a social and religious history of his people according to the taste of a twentieth century writer. Nor is it always a sign of 'inward slavery in outward freedom' when Josephus writes with an eye to the interests of the public for which his writings were composed. His Roman proclivities and deliberate misrepresentation of the Zealots are rightly condemned as treasonable bias, but his exposition of Judaism in the terms of a Roman stoic does not indicate that he was 'incapable of presenting his people's history in its true light', but shows a desire which was shared by all writers of the Jewish-Hellenistic schools to render Judaism understood and respected by cultured heathens. That Josephus does not display the philosophic depth of Philo or the poetic instincts of the Bible or the fervent spirit of the Haggadist, has but little relevancy in the appraisal of a man who figures in the literary history of antiquity not as poet, philosopher or exegete, but as an historian of unusual industry, application, and erudition, to whom the world is under immense obligation for its better knowledge of the history and literature of the ancients, and who has been for the Jews not only spokesman and apologist in the heathen and Christian worlds, but also their foremost historian for nearly two millenniums.

The volume is not free from inaccuracies that are almost unavoidable in a popular book, but the following correction in particular ought to be pointed out. The *אבן שתייה* in the Holy of Holies was the solemn 'Foundation Stone' on which the High-priest placed the censer in the Atonement service, which filled the innermost sanctuary with a cloud of incense: but *no blood of any sacrifice was sprinkled on it*. The suggestion that the mystery of

the 'Foundation Stone' so impressed the Greek scribes that they accounted it as the object of worship, and that then the ambiguous meaning of *onos* which signifies in Greek either stone or ass, gave rise to the charge of ass-worship against Jews and Christians loses thus much of its force. It might also be noted that according to Josephus' account, the Holy of Holies contained no objects whatsoever.¹ A more plausible explanation of the strange charge against the Jews and Christians that persisted for centuries is that of Simonsen who attributes it to a confusion between Jo, the papyri designation for the ass which was invoked by Egyptians in magic and in worship as the deity Seth, and Jah, the Hebrew abbreviation for the name of God.²

A brief index and a bibliography that will be helpful to elementary students close this interesting volume. The author of *The Jews under the Romans* in the 'Stories of the Nations Series' is W. D. Morrison, not Hosmer. The latter is the author of the general history, entitled *The Story of the Jews*.

Die Memoiren des Ascher Levy aus Reichshofen im Elsass (1598-1635). Herausgegeben, übersetzt und mit Anmerkungen versehen von Dr. M. GINSBURGER. Berlin: Verlegt bei LOUIS LAMM, 1913.

Mediaeval Hebrew literature was essentially impersonal. The Jews had either no leisure or no desire to record their personal experiences in autobiographies or even in hastily jotted memoirs. The little biographical knowledge which we possess of the great figures in Mediaeval Jewry, it is well known, is derived in the main from stray references in *Hakdamot*, or Introductions, Testaments, and other occasional passages. All the more significant are the memoirs of R. Asher Levi written in a crude

¹ *B. J.*, V, 5. 5.

² *Festschrift zu Hermann Cohens siebenzigstem Geburtstage*: Judaica, p. 298.

style and hybrid diction, but depicting with unconscious success the humour and pathos of his life and surroundings, admitting the reader into the private recesses of family secrets and communal factions, allowing him to stand by as a silent auditor, as he recites before God the sins and temptations against which he has repeatedly struggled in vain.

Asher Levi was a person of no special distinction. He was a poor merchant, an unlucky speculator, a restless tutor, and wandering teacher. His education he received from a score of successive teachers in as many different cities. Born in poverty and raised in the ravaging days of the Thirty Years' War, his life was that of a typical Bahur, who braved hardship and danger in order to sit at the feet of a famous teacher, and who was ever restless, driven by an inner impetus from city to city 'to serve the great ones of the world and to draw water from the well of life'.

In the memoirs, his object was to record only the events which happened to him and his family. He refers several times to a second part which was more ambitious in scope and was presumably a contemporaneous history of the Thirty Years' War and its effects upon the Jews. This should very likely prove a valuable document if it would ever come to light. The published memoirs too, however, are of considerable historical interest. They contain much material that will interest family historians. For instance, it appears that Asher Levi himself was a nephew of an ancestor of Cef Levi the wealthy banker and second husband of the famous diarist Glückel von Hammel. Of wider significance is Asher's descent from Jacob ha-Levi of Landau 'who', according to Asher's genealogical table 'belonged to the noble Spanish emigrants', as this implies an infiltration of Spanish exiles into Germany, of which we have otherwise no evidence. Asher's teachers were among the famous rabbis of his time, and his references to them amplify and sometimes correct our previous information regarding these personages. The memoirs contain also items of political and economical interest, such as the life of the people in a besieged city, the brigandage of the highways, the fluctuations of the coinage, the shifting prices of

wheat, rye, barley, wine, and meat. R. Asher alludes to the Vincent Fettmilch episode, which, he explains, he does not have to narrate as a book has already been written on the subject. We learn for the first time of the flight of the Jews from Metz in 1618-19 and of the narrow escape of the Jewish community of Frankfort from a danger that is only vaguely hinted at. But the booklet will be found most valuable for its contribution to the *Kulturgeschichte* of the period. Thus the typical career of a Jewish student is unfolded step by step. He was six years old when his father 'began to teach him the right way' by initiating him into the Hebrew alphabet. He was not yet seven when he walked daily from his home to another village to receive instruction. When he was nine years old, he went to Metz to study Talmud. Shortly after his fourteenth birthday, he left his native country to repair to the famous seat of learning in Prague, and only sickness impelled him five years later to return to his parents after having studied in Prague, Frankfort, Bresnitz, Bisenz, Vienna, and Austerlitz, besides tutoring in as many places. In the course of the narrative, one gets a vivid realization of the pestilences and diseases that ravaged the country, as well as the robbers and brigands that infested the roads. He married at twenty-four a girl of fifteen, and 'as long as he lived, he never would forget the conduct of his father-in-law'. The latter futilely attempted to break off the match, possibly due to the discovery of a fatal addiction to play from which Asher could not free himself. Indeed, throughout his life he waged a bitter struggle against this evil inclination; he passionately implored the aid of Heaven and of his sainted parents; he hoped to redeem himself through tears, fasting, and the dispensing of charity; but, strange to say, Dr. Ginsburger elected to omit these deeply pathetic passages in his translation of the Hebrew text. Though Asher's fortunes were on the wane, his doors were wide open to the poor. The ideals that pervaded his home are best illustrated by the architectural plan of his house, which had three special features: a little chapel for study and worship, a baking room designed especially for Passover bread and Sabbath cakes, and finally a private bath-house,

which he found necessary 'on account of the beastly practice which prevailed among the Gentiles for men and women to bathe together, in which the Jews too have joined'.

The above citations will illustrate the wide range of interest of the text which was ably prepared, translated, and learnedly annotated by Dr. Ginsburger. It is to be regretted that the editor did not append a list of the family and geographical names in their Hebrew and German equivalents which would have added to the value of the work without entailing much additional effort on his part.

Extra-Biblical Sources for Hebrew and Jewish History. Translated and edited by Rev. SAMUEL A. B. MERCER, Ph.D. New York: LONGMANS, GREEN, & Co., 1913. pp. xv+210.

One of the achievements of applied pedagogics in history has been the recent introduction of source-books in the historical teaching, conducted in the colleges and secondary schools. In nearly all branches of history, the traditional text-book is losing in importance as greater emphasis is placed upon the student's familiarizing himself with the original documents, even if only in translation. Dr. Mercer's *Extra-Biblical Sources for Hebrew and Jewish History* is the first collection of this kind covering the subject of ancient Jewish history, though Giles' *Heathen Records to the Jewish Scripture History* (1856) deserved at least a note of bibliographical reference.

The comparatively small volume of two hundred pages embraces a period of three thousand years, from the antiquities of Babylon to the Jewish Rebellion under Hadrian. The sources are divided into four main divisions: Cuneiform, Egyptian, Semitic, and Greek and Latin, chronological sequence being followed in each group. The selections were gathered from about seventy-five odd volumes, representing a widely scattered and often inaccessible literature. For the cuneiform sources, the author acknowledges in particular the translations of Winckler's *Keilinschriftliches Textbuch zum*

Alten Testament, and Rogers' *Cuneiform Parallels to the Old Testament*, and for Egyptian material, Breasted's *Ancient Records*, though in all cases except when stated in the notes the author made his original translations adhering to as literal a form as possible. Dr. Mercer wisely made no attempt to include in his work historical selections from the Bible, Apocrypha, Pseudepigrapha, Josephus, Philo, and the New Testament, as this literature is readily accessible and could at best have been only inadequately represented in a limited source-book.

Dr. Mercer claims too much for his book, or he is too optimistic in his assurance that now the student of Hebrew and Jewish history has before him all the sources in convenient form. The author certainly cannot mean this literally. The present collection of extra-biblical sources might easily and with great profit have been at least doubled in contents and yet would have been far from a complete record of the literature which bears intimately upon Biblical history. Obviously, it is not only the records that bear the name of Palestine that belong to the study of ancient Hebrew history, but also much of Babylonian, Egyptian, and Assyrian source-material. The student would miss then in this collection—choosing the examples more or less at random—the famous inscription of Nabonidus describing his discovery of the Foundation-Stone of the Temple of the Sun in Sippar, which is fundamental in establishing Babylonian and hence Hebrew chronology. He might reasonably expect to find in such a collection the Shalmaneser fragment of the early life of Sargon which though possibly only a secondary source, is still ancient and important enough to be reproduced in such a volume by reason of its striking similarity to the story of Moses. Certainly a collection of sources of early Hebrew history is not complete without at least some extracts from the Code of Hammurabi. As to the later period of Greek and Latin sources it is but necessary to compare Dr. Mercer's collection with Th. Reinach's *Textes d'auteurs grecs et romains relatifs au judaïsme* to observe how much the former lacks in completeness. Nevertheless, the present collection will be of great use to teachers who can refer students conveniently

to this book for such documents as the Black Obelisk, the 'Israel Stella', the Moabite Stone, &c., and Dr. Mercer has rendered an act of service for which he merits the gratitude of teachers of Hebrew history.

The most serious stricture that may be made against this book is its dogmatic fixation of remote dates without the slightest indication of their uncertainty. In a subject where a thousand years are but as yesterday it only bewilders the student to be equipped with a series of dates which he will not find duplicated in the next book of reference to which he is bound to turn. Even in this one book, he will find it hard to reconcile the dating of Naram-Sin at 2,600 B.C.E., in one passage, with the later statement of the record of Nabonidus which seems to show, unless the calculation of the scribes be wrong, that Naram-Sin reigned 3,200 years before his (Nabonidus') time. The chapter on Chronological Matter, too, is not sufficiently explanatory to enable the student to construct Biblical Chronology for himself.

Jewish History and Literature under the Maccabees and Herod.

By B. H. ALFORD. London and New York: LONGMANS, GREEN, & Co., 1913. pp. xvi + 113.

Mr. Alford, the author of *Old Testament History and Literature* attempts in his latest booklet, which is a continuation of this former work, a review of Jewish history and literature during the interval of over 125 years that intervened between the death of Simon in 135 B.C.E. and the birth of Jesus of Nazareth which he places in the year 8 B.C.E. The book shows no original research and as a popular work its only claim to favourable attention lies perhaps in the emphasis which its author laid on the literary development of the period. Dividing his book almost equally between history and literature, Mr. Alford gives a compact summary of the Book of Jubilees, Testaments of the Twelve Patriarchs, Tobit and Judith, parts of the Book of Enoch, Psalms of Solomon, Wisdom of Solomon, and ends the volume with

citations from Luke referring to the 'Magnificat' of Mary, the 'Benedictus' of Zacharias, and the 'Nunc Dimittis' of Simeon. Professor Schechter's *Fragments of a Zadokite Work* is strangely overlooked in silence.

The good faith in which Mr. Alford accepts theories about the composition, dates, and divisions of the apocryphal works would be amusing, if there were no danger of their misleading the unguarded reader. Of course, there is hardly a book in the Apocrypha regarding which any unanimity of opinion has been reached on these points. Not only are the usual theories mere conjectures based on internal evidence, but the very origin and language of the original are often unknown. Nevertheless, Mr. Alford shows no hesitation in an historical sketch to follow Charles's literary divisions and hypotheses, as though they were indubitably proved by reliable canons of historical criticism.

The author is not much happier in his historic delineations. It is an unwarranted exaggeration of Josephus' description of Hyrcanus to claim for the latter the capitalized title of 'Prophet, Priest, and King', and to depict him as 'the Jewish Messiah'. The familiar but erroneous description of the Sadducees as standing for the union of Church and State with its implied conception of the Pharisees is reproduced here without any qualification. Untenable is also the statement of the author that 'the earliest approach of Hellenism to Palestine was from the side of Antioch'. At the time when the Jews first came into serious cultural contact with the Seleucid dynasty the Septuagint was an accomplished fact.

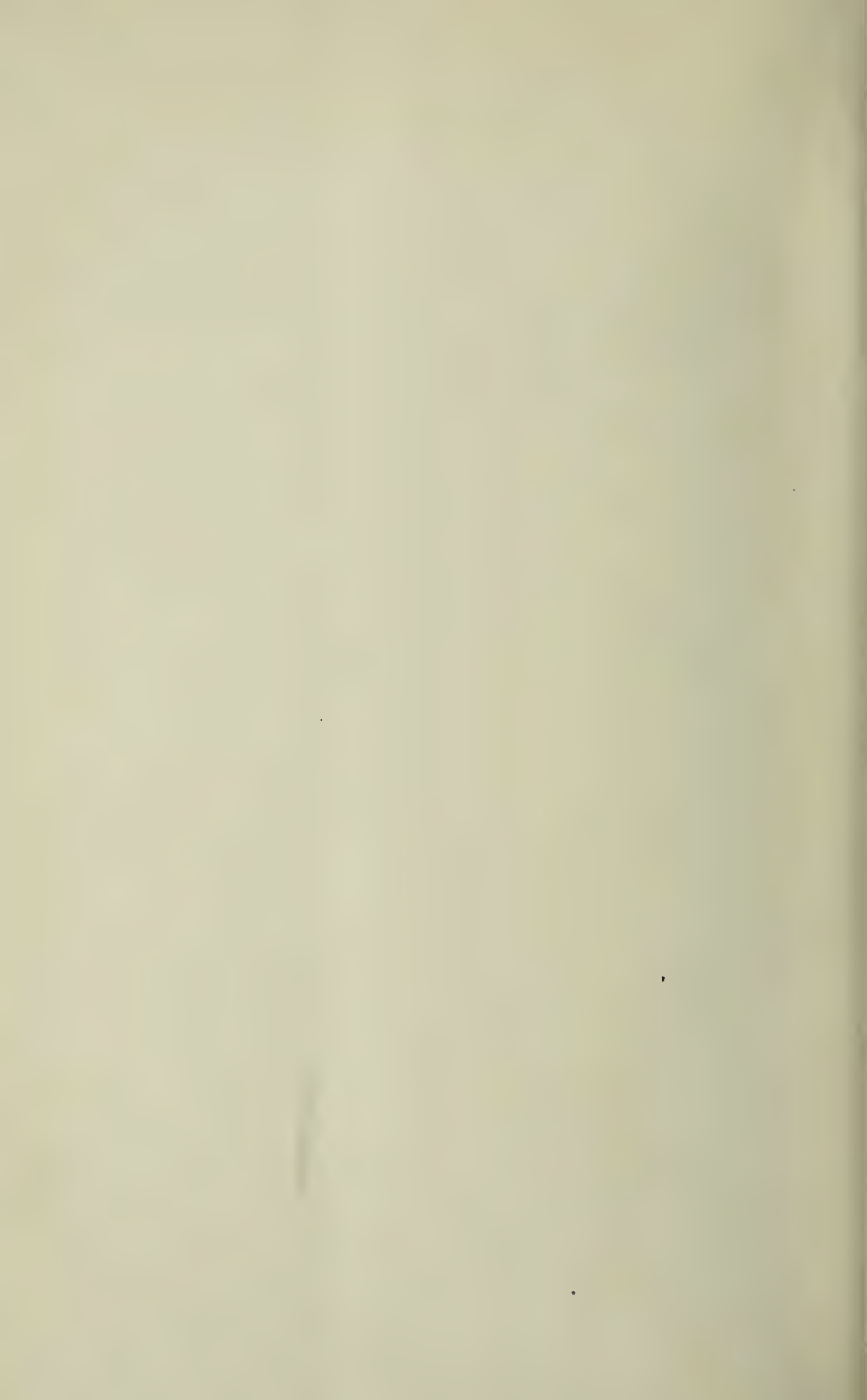
For broader reasons of justice and from a truer historical perspective, one may question the propriety and fairness of Christening such injunctions in the Testaments of the Twelve Patriarchs as, 'Love one another, and with long-suffering hide ye one another's faults Have compassion toward all, not toward men only, but also toward beasts'.

Die Juden in Worms. Ein Vortrag gehalten von BENAS LEVY im Verein für jüdische Geschichte und Literatur. Berlin: M. POPPELAUER, 1914. pp. 20.

This small pamphlet reproduces with fine touches of local colour a fleeting bird's-eye view of the history of one of the most ancient and honoured Jewish communities in Germany. The interweaving of legends and history lends charm to the picture. The pathos of the story may well stir one to emotion and eloquence.

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RECENT WORKS ON COMPARATIVE RELIGION

- The Study of Religion.* By STANLEY A. COOK, M.A. London : ADAM and CHARLES BLACK, 1914. pp. xxiv + 439.
- The Threshold of Religion.* By R. R. MARETT, M.A., D.Sc. New York : The MACMILLAN COMPANY, 1914. pp. xix + 223.
- Theological Symbolics.* By CHARLES AUGUSTUS BRIGGS, D.D., D.Litt. (*International Theological Library.*) New York : CHARLES SCRIBNER'S SONS, 1914. pp. x + 429.

IT is easier to state what Dr. Cook's book is not than what it is. It is not a manual of, or a guide to, the study of comparative religion like, for instance, Jastrow's excellent book, bearing the same title as the present work, treating in a concrete manner of the manifestations and constituents of religion, of the elementals underlying the religious sentiment, of the definitions and classifications of religions, &c. &c., with accompanying bibliographies. It may perhaps be described as a philosophical or psychological propaedeutics, containing at once a birds-eye view of the philosophy of history, of culture, of the development of the human mind and of the interaction of the many various factors in these spheres, with special application to the study of religions. The book is not easy reading ; it was apparently not written for tyros in mental work. The style is often abstract, and it is not always easy to follow the author in the development of his themes. But one who is in a measure inured to metaphysical thinking and language, and does not shirk reading and re-reading the book will reap a rich harvest of stimulating and suggestive thought. We would refer, among many others, to the disquisitions on the mental attitude of W. Robertson Smith (p. 65) ; human sacrifice (p. 198) ; significance of the Prophets of the Old Testament (p. 301) ; Babylonian influence on the Old Testament (p. 322). Altogether the book is pervaded by a lofty and reverent spirit, and gives the ripe thoughts and reflexions of a man who has long and deeply

brooded over the problems which he discusses, and to whom religion and the life of the soul are paramount realities.

The Threshold of Religion is the second edition of a reprint in book form of papers which have previously been published elsewhere. They are: (i) Pre-animistic religions; (ii) from spell to prayer; (iii) is taboo a negative magic? (iv) the conception of *mana*; (v) a sociological view of comparative religions; (vi) savage supreme beings and the bull-roarer; (vii) the birth of humility; (viii) in a prehistoric sanctuary. The three last essays appear for the first time in book form in this second edition. The bond of union between these essays is that they stop at the 'threshold of religion', that is, they treat of religious origins, the stuff of which 'rudimentary' religion is made, 'the vague shapes—phantoms teeming in the penumbra of the primitive mind and dancing about the darkling rim of the tribal fire-circle'. The main contention of Prof. Marett is that primitive man should not be burdened with clearly-defined ideas in his religious beliefs and practices; he 'danced' his religion rather than in any way thought it out coherently. 'Savage religion develops under conditions, psychological and social, which favour emotional and motor factors, whereas ideation remains relatively in abeyance.' The constituents of primitive man's religion is a sense of awe, fear, wonder, and the like the object of which is the supernatural, *i.e.* the supernormal. The reviewer knows of no book of like scope and compass that presents such a keen, searching, and penetrating psychological analysis of the workings of the primitive mind combined with a rational and reasonable synthesis of his mental attitude and outlook.

Symbolics is the comparative study and presentation of the doctrines and dogmas of the several divisions and denominations of the Christian Church at the hand of the officially formulated statements, such as the creeds, the decrees and canons of councils, the confessions of the various national churches or denominations. The present posthumously published work of Prof. Briggs is marked by the wide erudition, the painstaking and conscientious research and irenic spirit characteristic of the lamented Biblical scholar and theologian.

Mithraism. By W. J. PHYTHIAN-ADAMS, M.A. (Oxon). (*Religions Ancient and Modern.*) Chicago: THE OPEN COURT PUBLISHING COMPANY. pp. xi + 95.

Mithraism has for the last quarter of a century or so, especially since the epoch-making investigations of the Belgian scholar, Franz Cumont, held the attention not only of students of comparative religion, but also of theologians. Among the many 'mystery' cults which about the beginning of the Christian era were rampant in the Roman Empire, that of Mithra was the most formidable antagonist and rival of Christianity. It offered itself as a religion of salvation and redemption with a saviour god for its centre, with a ritual suggesting striking resemblances with that of the Church, and a stern, virile moral code. The numerous bas-reliefs, remains of temples and inscriptions discovered of late attest to the wide spread of the cult over the domain of the ancient Roman empire, from the mouth of the Danube to the borders of the desert of the Sahara, from the shores of the Black Sea to the remote mountains of Scotland. Much in the doctrines of Mithraism, which seems to be a mixture of primitive Indo-Iranian myths and Babylonian traditions, as also of the symbolism of its ritual, is still obscure, owing to the paucity and fragmentariness of literary documents bearing on the subject. The little book before us is an excellent, well written and nicely gotten up *résumé* of the present state of knowledge of the origin, development, doctrines and practices, and history of the cult. It discusses the subjects under the following heads, preceded by a preface: (i) Mithras in Asia; (ii) Mithras in the Roman Empire; (iii) The followers of Mithras; (iv) The Monuments and Mythology of Mithraism; (v) The External of Mithraism; and (vi) The Message of Mithraism. The author traces the conception of Mithra and the myths woven around him to their Indo-Iranian sources (Vedas and Avesta), and he is also fully familiar with the modern literature on the subject. At the same time, he preserves his own independent judgement, which he advances with laudable caution and reserve, conscious that we are moving here on uncertain and

shifting ground. His final judgement on Mithraism as a religious system is: 'It fell at last not because it was entirely bad, but because it was so nearly good.' A brief select bibliography directs the reader to works which more fully treat of the cult, while the addition of a 'Mithraic Chronology' and four cuts of Mithraic reliefs will assist the reader in following the author in his concise narrative.

Allgemeine Religionsgeschichte. Von CONRAD VON ORELLI: Zweite Auflage in zwei Bänden, Ersten Bandes vierte-fünfte Lieferung; zweiten Bandes erste-fünfte Lieferung. (Bringing the work to a conclusion in two volumes. pp. viii + 420 and viii + 478.) Bonn: A. MARCUS UND E. WEBERS VERLAG, 1911-13.

The general arrangement of this work, as also the standpoint of the author and the tone and tenor of his discussion, have been noticed in a previous issue of this REVIEW, when the first three parts of the work were under consideration.¹ The remaining two parts of vol. I bring the discussion of the religions of the Semitic Family to a close. They open with the conclusion of the rapid sketch of the development of the religion of Israel, coming down to modern 'Zionism', which Orelli considers as a reaction against the amalgamation of the Jews with their surroundings (I, 297). In his analysis of Essenism (I, 293-5) the author would admit only an indirect influence of Parseeism on its doctrines and practices, but assumes with Zeller (*Philos. der Gr.*, 3rd ed., III, 2, p. 277 ff.) a kinship between it and Pythagoreism, and both were 'fertilized' by Mandaeism which, on its part, issued not from Parseeism but from the Aramaic-Assyrian religion. But aside from the fact that the existence and propagation westward of Mandaean ideas and usages before Christianity is not well established, judging by Orelli's own exposition of Mandaeism (I, 311-22) there is nothing either in the phantastic doctrines of the Mandaeans or in their manner of living to connect them with

¹ *JQR.*, N.S., VI (July, 1915), pp. 191-3.

the Essenes. On the contrary, while, for instance, the Essenes faced the sun in prayer, the Mandaeans considered him, with the other planets, as a fiendish demon. The Essenes renounced marriage and slavery, and were given to ascetic practices generally, the Mandaeans considered marriage a duty, kept slaves, and despised celibates and ascetics.

Christianity is disposed of in less than two pages. Then follows the offshoots of Judaism and Christianity, viz. Manicheism (I, 299-311), Mandaism (I, 311-22), and Islam (I, 323-412), the latter beginning with the religion of the pre-Mohammedan Arabs, and closing with the latest outgrowth of Babism and Bahaism.

In delineating the religion of the pre-Mohammedan Arabia the author again asserts his main thesis that the worship of one heavenly God was primary, while astrolatry and veneration of stones were secondary, arising under the influence of mythology or local symbolism. In support of this view he refers to the fact that the generic conception of the deity under the name of Allah was current among the Arabs before Mohammed (I, 331). Mohammed and Mohammedanism are given a lengthy discussion, the author supporting his statements by copious quotations from the Koran and authoritative writers, native as well as foreign. Against Nöldeke and Houtsma Orelli denies Mohammed the character of a real, genuine prophet, and in the opinion of the writer justly so. Mohammed neither in originality of thought, nor in sweep of vision, nor in the ethical and spiritual standards of the life of individuals and nations attains in any measure to the height of the Prophets of the Old Testament. The title of prophet is generally too prodigally applied so as to empty it of its weighty and pregnant import. This is not to say that the author brands Mohammed as a schemer and deceiver from the start. On the contrary, as a proof of the sincerity of Mohammed and *bona fides* of his mission he adduces the fact that his first adherents were among his near kin. He concedes Mohammed personal greatness as a man, devotion, singleness of purpose and self-denial in fulfilling his mission. But his lapses in the later, Medina, period were not those of a 'fallen angel'. It is true that 'Mohammed's religious

character in the first [Meccan] period appears purer and more sympathetic than in the later' . . . but 'he had in Mecca no higher religion than later in Medina where his ideal, owing to circumstances, assumed a more realistic form. The prophetic office which he claimed lacked from the beginning the full inner truth, and his later development only brought out this want more clearly, showing itself most palpably in the fact that his intercourse with Allah exercised no real sanctifying influence upon himself' (I, 372). Orelli's estimate of Mohammedanism in its religious and moral aspect is a similar vein. It is, he says, a compromise between Biblical maxims and the traditions and customs of the country (I, 390). It lacks ethical depth. 'In the theological respect Islam is a relapse from Biblical monotheism into a certain naturism. . . . The relation of man to God is not a free mutual one, resting on holiness, but fatalistic and legalistic. The deity is here the pagan *fatum* in theomorphic conception' (I, 393).

Volume II is devoted to the religions of the Indo-European family—Vedas, Brahmanism, Buddhism, Jainism, Hinduism, Sikhism, Parseeism, the religions of the Greeks, Romans, Celts, Germans, and Slavs, followed by the African, American, and Oceanic groups. There is little in the discussion of these religions that calls for comment. The author, in accordance with theory, finds everywhere, even among the Negroes of Africa and the Bushmen of Australia, reminiscences of the knowledge and conception of one invisible God of heaven.

At the close of the work the author expresses some general views on religion on the basis of his survey of the religions of the world. (i) The universality of religion among mankind in time and space demonstrates its primitiveness, at the same time proving the mental unity of mankind, and while it does not absolutely establish its historical unity it justifies it as an hypothesis. (ii) The earliest (not original) form of religion was neither an abstract or spiritual monotheism, nor any of the low forms (fetichism, animism, &c.), but a kind of henotheism. There is a general tendency to a unitary conception of the deity, and to connect his manifestations with the highest phenomenon perceived by the human eye—the

heaven, or the most striking appearance on its expanse—the sun. But either is, as a rule, distinguished from the deity himself, being considered as his embodiment or manifestation. But the deity is so closely related to the natural phenomenon that in the course it becomes finite and multiple. In the concluding chapter the author takes his stand against the theory of evolution as applied to the Biblical religions: there is no instance in history of the gradual rise of a religion from a low level to a higher.

Both volumes are provided with indexes of subjects, authors, and Biblical passages quoted in the work. To the corrigenda add: I, 291, n. 5, read 2 Kön. 21, 16 for 21, 26; II, 201, n. 2, read Wilamowitz for Milamowitz.

The work of Orelli, intended in the first place as a manual for theological students, gives one of the fullest and most detailed discussions of the subject. The style, marked by clearness and noble simplicity, is worthy of the great theme. The author lets the religions speak for themselves as much as possible. His explanations and interpretations are sympathetic, here and there not without a touch of poetic imagination. At the same time he does not idealize their contents or indulgently gloss over grave errors of beliefs and perversions in conduct, which in his view are correlated. He surveys the religions of the nations from the heights of Sinai and Zion and finds them frequently wanting or defective. His judgements are often frank and outspoken. But the tone is throughout lofty, grave, and calm, *sine ira et studio*.

I. M. CASANOWICZ.

United States National Museum.

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A JEWISH SEPULCHRAL INSCRIPTION FROM ROME.

THE following inscription was discovered in 1898 in the ruins of an ancient house opposite the church of San Paolo fuori le Mura, on the Via Ostiensis at Rome. It is now in the collection of Columbia University.

The fragment of stone that is preserved is about 26 cm. long and 28 cm. high. The letters themselves are about 3 cm. high. In the upper left-hand corner, the figure of a menorah is cut, but in an evidently careless and rapid fashion. There are three divisions at the bottom, and each one of the curved branches ends in two little forks. The resemblance to a tree that is thus produced, is evidently intentional.

The inscription reads as follows :

ΕΝΘΑ
ΕΥΚΑ/
ΠΙΟC
ΦΙΛΟΤ
ΕΝΕΙΡ

In form, the letters resemble the uncials of Greek MSS., and show in the Ε, Θ, Α, Λ, and Ν, the influence of brush-work. This is especially remarkable in the case of the Ν which is more tenacious of its original form than any other letter, and does not show curvature of any of its elements till relatively late. Another unusual form is that

of Υ, in which, in this inscription, the stem is a continuation of the left arm. While the letters are not cut with especial care, they are by no means rudely done and show a practised hand.

The first line is of course ἐνθάδε κείται with some additional letters or words containing part of the name.

1. 2. The letters ευκα seem almost certainly part of the name or patronymic. The last letter is either δ or λ. What the name was it is impossible even to guess. The known lists of names in literature and the inscriptions give practically none that has the syllables -ευκαδ- or -ευκαλ-. A name like Δευκαλίων is scarcely even a possibility here. We cannot even be certain whether the name is masculine or feminine.

1. 3. πιος is very probably part of the word νήπιος, which occurs rather frequently in inscriptions of this class.

1. 4. The last letter is probably N. It is not likely to be M, for where letters have the form they have here, the M generally has its sides curved or inclined.

1. 5. The last line is the usual formula ἐν εἰρήνῃ ἡ κοίμησίς σου (or αὐτοῦ). It may have been present in the shortened form—ἐν εἰρήνῃ. Because of this possibility we have no certain means of determining the original width of the stone.

Jewish sepulchral inscriptions have been hitherto found in Rome in the several catacombs which have been disclosed there since the seventeenth century (cp. S. Kraus, *J E.*, III, 614 f.). These catacombs are respectively in Porto, in Trastevere on the Via Portuensis, three on the Via Appia, and one on the Via Labicana. This inscription, although similar to those found by Garrucci and de Rossi

in the Vigna Randanini and Vigna Cimarra, comes from the other end of the city where similar remains have not hitherto been unearthed. If it belongs to the house among the ruins of which it was found, it must be placed at the end of the first century C.E. or at the beginning of the second. There is, however, nothing to show that it was not brought there later. The form of the letters point to a later date.

Any attempt at restoration would be sheer guess-work. Still, to illustrate what might not impossibly have been the original reading, the following is offered :

ἐνθάδε κεῖται - -
 ευκα[- - τοῦ δεινὸς νή-
 πιος [ἔτων - - μηνῶν - - .
 φίλον [τέκνον ἔρρωσο.
 ἐν εἰρήνῃ ἢ κοίμησίς σου.

‘Here lies N. N. infant son of N. N. aged — years, — months. Farewell, dear child! Mayest thou rest in peace.’

A LATIN INCANTATION IN HEBREW CHARACTERS.

M. GÜDEMANN in his *Erziehungswesen der Juden in Italien* (Vienna, 1884), Note XII, p. 333, refers to several Latin magical formulas in Hebrew characters, notably to one in *Münchener hebr. Hdschr.*, No. 238, p. 68 ; a formula for discovering hidden treasures. To the kindness of Professor Alexander Marx of New York I owe the following, taken from Cod. Hebr. Parisin., 326, p. 158 a (saec. XIV ineuntis). A description of the MS. may be

found in *Monatschr. f. G. d. F.*, 1887, pp. 502-5 (cf. also *Sammelband des Vereins Mekize Nirdamim*, VII (1897), Chwolson, p. 3 f.).

This formula is recommended for the discovery of a thief. 'Open Ps. 51, ver. 17', we are told, 'take a פוּיִיל and put it on this verse and put upon this פוּיִיל a אַוּרְטִיל stone and pronounce over it the incantation.

Three times it is to be said about the man or woman, and if the person is guilty the psalm-book will move.'

The incantation runs as follows :

אַמְנִי פּוֹטֶנֶשׁ שְׁמַפִּי טַרְנֶשׁ דִּישׁ קוֹי קוֹנְקֶטֶט טוֹ אִיקֶשׁ נִיבְלֵי קְרִיאָשְׁטוֹ
דְּלֵא מוֹטְרֵנָא פֶּרוֹ מֶשְׁטוֹ דִּי שׁוֹבְלֵא צֶרֶטִישׁ וַיֵּאָרֶם אִיקֶשׁ פֶּרִי אֲמִנְטוֹ דִּי
אַוּרְטֵא שְׂיִיקוֹי אָשֶׁט שְׁפּוֹרֶק שְׂבִי פִלוֹנִי פִצְיָאשׁ כּוֹן פִּצְיָאשׁ.

It is quite evident from the division of the words, and from the jumble of the second line, that the writer was quite innocent of the meaning of the words before him—at any rate that he did not understand all of them. The *z* for the Latin *c*, is what we should expect from the MS.—a German MS., like the one mentioned by Güdemann—and this, together with certain other similarities of transliteration, would be valuable in determining the peculiarities of pronunciation among the German Jews of that epoch.

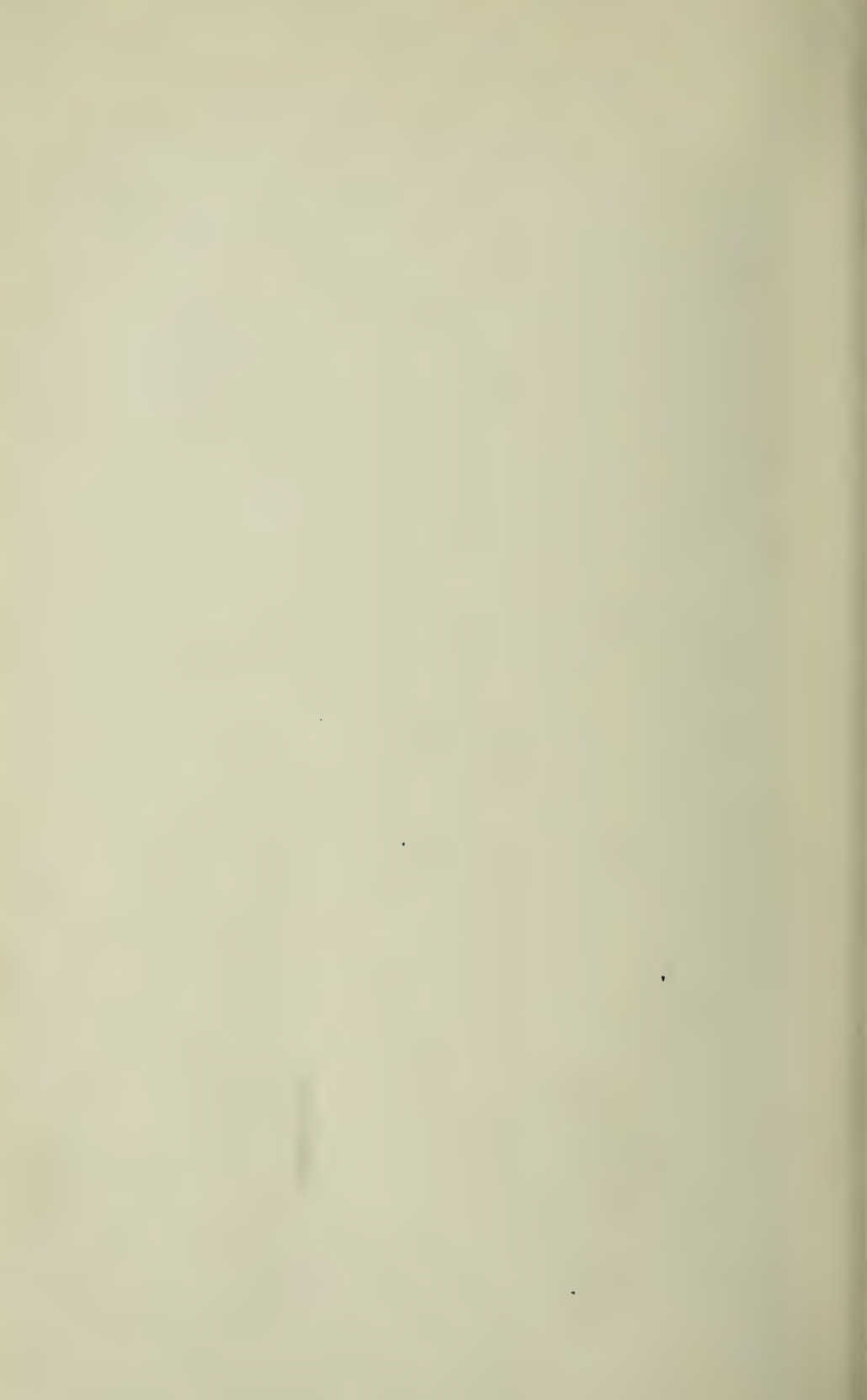
We may suppose the Latin original to have run as follows :

Omnipotens sempiterne Deus qui cuncta tu ex nichilo creasti, dolum [te] oro ut promas et dispelle incerta viarum exprivamentandi: idcirco si qui est fur, adsequi N. N. facias conficias.

'All-powerful, Eternal God, who hast created all things from nothing, I beseech Thee to bring to light the crafty

malice ; and dispell the uncertainties of the means whereby the loss was sustained. If, therefore, it is some thief [who has taken this], mayst Thou make, yea, make that N. N. overtake him.'

Strictly, therefore, it is a formula to be used in the case where the loss of property has not yet been definitely traced to theft. It is, evidently, best suited to the lips of some local *spæman*, who would fill in the פלוני with the name of the person consulting him. How it finally came into Jewish hands, we can only conjecture, but it evidently passed through several transmissions and did not escape unscathed either in form or purport.



PROLEGOMENA TO A GREEK-HEBREW AND HEBREW-GREEK INDEX TO AQUILA

BY JOSEPH REIDER, Dropsie College.

CHAPTER IV

THE HEBREW TEXT UNDERLYING AQUILA'S VERSION

33. It is a well-known thesis propounded by Lagarde⁸⁸ that all our manuscripts of the Hebrew text of the Bible belong to the same recension and are descended from the same imperfect archetype dating from the times of Hadrian (Akiba). The corollary which Lagarde saw fit to append to his thesis, to the effect that the archetype in question represented a recension 'doctored up in the interest of the most violent hatred of Christianity', has been disposed of in a masterly criticism by Kuenen ('Der Stammbaum des masoretischen Textes des Alten Testaments' in *Gesammelte Abhandlungen*, übersetzt von Budde, 82 ff.). The thesis itself, however, has been accepted with more or less of modification by serious scholars like Nöldeke,⁸⁹ Wellhausen,⁹⁰ W. R. Smith,⁹¹ Cornill,⁹² and Driver.⁹³ On the other hand,

⁸⁸ The first part of Lagarde's thesis was enunciated in the introduction to his *Anmerkungen zur griechischen Übersetzung der Proverbien*, 1863 (reprinted in his *Mittheilungen*, I, 19 ff.), while the second part was formulated casually on p. xii of the preface to his *Materialien zur Kritik und Geschichte des Pentateuchs*, I, 1867, and more fully in his *Symnicta*, I, 1877, 50 ff. A similar view was given expression to by Olshausen in the introduction to his *Commentary on the Psalms*, 1853, 17 ff. On the question of priority see Lagarde, *Symnicta*, II, 120 f.; *Mittheil.*, I, 22-6.

⁸⁹ The citations are given by Lagarde, *Symnicta*, II, 120 f.

⁹⁰ Bleek-Wellhausen, *Einleitung in das A.T.*⁸, pp. 574, 578.

⁹¹ *The Old Testament in the Jewish Church*, New York, 1900, p. 57, note 2.

⁹² Prolegomena to Ezekiel, p. 10; *Einleitung in das Alte Testament*, 1892, § 51.

⁹³ *Notes on the Hebrew text of the Books of Samuel*², p. xxxiv: 'All MSS.

the thesis as a whole has been subjected to criticism at the hands of König,⁹⁴ and rejected by Strack.⁹⁵

34. Whatever be the genesis of the recension of the Scriptures known as Masoretic—in point of date it may ascend to a period much older than the Hadrianic—this much is certain that after a period coinciding with the date of the earlier parts of the Septuagint, during which time the text was more or less in flux, there followed one of gradual uniformity culminating in the stereotyped condition immediately preceding the Masorah.⁹⁶ For when all deduction is made of variations due to the exigencies of translation or to unsatisfactory exegesis, there still remains in the Septuagint a body of variants having their undoubted origin in the divergence of the Hebrew text underlying the version.⁹⁷ Also the Samaritan recension of the Pentateuch

belong to the same recension, and are descended from the same imperfect archetype. Existing MSS. all represent what is termed the *Massoretic text*' (*italics by author*).

⁹⁴ *Einleitung in das Alte Testament*, p. 88 f.

⁹⁵ *Einleitung in das Alte Testament*⁶, p. 192, where it is maintained that even after the close of the canon the Hebrew text continued in a state of fluctuation.

⁹⁶ The beginnings of the Masorah are shrouded in darkness. The passage in Ketubbot 106a that a standard text was preserved in the court of the Temple from which all copies were prepared, would lead to the assumption of an early origin, but on the other hand we must not forget that as late as the second century c.e. the Rabbis warn against incorrect copies of the Bible. Thus while it is true that already the Mishnah and the Talmud generally (particularly the post-talmudic tracts *Maseket Sefer Torah* and *Maseket Soferim*) contain Masoretic material, still the Hebrew text continued in fluctuation and was not fixed in its final form before the close of the talmudic era. Comp. on this subject Elias Levita, *Massoret ha-Massoret*, ed. Ginsburg, London, 1867; C. D. Ginsburg, *Introduction to the . . . Hebrew Bible*, London, 1897; Strack, *Prolegomena Critica in V. T.*, Leipzig, 1873; Bacher in Winter und Wünsche, *Jüdische Literatur*, ii, 121-32; Buhl, *Kanon u. Text*, p. 94 ff.

⁹⁷ Comp. Wellhausen's *Text der Bücher Samuelis*; Driver's *Notes on the*

with which the Septuagintal version shows marked affinity,⁹⁸ no matter what one may think of certain dogmatic changes, proves that more than one recension of the Law was current in pre-Maccabean times. As for the Hebrew upon which the oldest parts of the Alexandrine version rest, the recensional character of the 'Vorlage' reveals itself on the one hand in a more developed form of diaskeue, bent upon harmonizing the unevennesses of composition, and on the other hand in faithfully preserving a cruder and more archaic text laying bare incongruities which the Masoretic text has covered up.⁹⁹

There is just as little doubt in turn that in the times of Akiba, when Aquila and his congeners lived and laboured, the Hebrew text had, roughly speaking, assumed the form of our Masoretic text. Thus Origen, when engaged in rectifying the Septuagint in a manner so as to square it with the 'Hebrew truth', was in a position to fall back upon the Three for supplying lacunae which he was neither competent nor willing to translate afresh.

35. When the fragments of Aquila are compared with the parallel translation of the Septuagint the textual identity

Hebrew Text of the Books of Samuel; Cornill's *Ezechiel*; Graetz's *Kritischer Commentar zu den Psalmen*, and his *Emendationes in plerosque Sacrae Scripturae Vet. Test. Libros*, edited by Bacher; for a list of monographs comp. Buhl, *Kanon u. Text*, p. 125 f. A list of characteristic variants may be found in Swete, *Introduction to the Old Test. in Greek*, p. 442 ff.; comp. also Margolis, 'Studien im griechischen Alten Testament' in *ZAW.*, XXVII (1907), 212 ff. The most complete collection of variants based on both recensions and Hebrew manuscripts is found in the foot-notes of Kittel's *Biblia Hebraica*, whose reconstruction of the Hebrew, however, is not always successful.

⁹⁸ Comp. Geiger, *Urschrift*, p. 98 ff.; against Frankel, *Vorstudien*, p. 32 ff., and esp. *Einfluss*, p. 238. See, furthermore, König, *Einleitung*, p. 95 ff.

⁹⁹ Comp. Wellhausen, *Composition*², p. 126, for the first instance; as to the second, see *ibid.*, p. 53.

of Aquila's Hebrew and our own, as far as consonants are concerned, is proved in a preponderating number of cases.¹⁰⁰

¹⁰⁰ A list of telling examples is not without interest: Job 3. 5 יבעתהו א' εκθαμβήσασαν αὐτὴν ὡς πικραμμοὶ (ἡμέρας), Ὡ καταραθείη (variants καταραχθείη, καὶ παραχθείη) ἡ ἡμέρα, evidently omitting כמרירי; *ibid.*, v. 18 יחר אסירים שאננו א' ἅμα δέσμοι εὐθνήσαν, Ὡ ὁμοθυμαδὸν δὲ οἱ αἰώνιοι, omitting the last word and reading אשרים *beatī* (L. Cappellus in *Critica Sacra*); 5. 5 ושאף צמים חילם א' ἀφεικύνσαντο διψῶντες εὐπορίαν αὐτῶν, Ὡ ἐκσιφωνισθείη αὐτῶν ἡ ἰσχὺς, צמים wanting; 6. 9 יתר ידו א' ἐπιβαλὼν τὴν χεῖρα... Ὡ εἰς τέλος δέ, reading ותמיד or more likely its Aramaic equivalent תמיד; 7. 15 ותברח מחנך נפשי א' καὶ αἰρεῖται ἀγχιόνῃ ἡ ψυχὴ μου, Ὡ ἀπαλλάξεις ἀπὸ πνεύματός μου τὴν ψυχὴν μου, as if נפשי מרוחי ותברח; 13. 9 אם כהתל באנוש תהתלו בו א' εἰ ὡς παραλογισμῷ ἐν ἀνθρώπῳ παραλογίσεσθε... Ὡ εἰ γὰρ τὰ πάντα ποιοῦντες προστεθήσεσθε αὐτῷ, which certainly a different Hebrew text underlies; 18. 19 ולא נכד א' οὐ γονεῖς αὐτῷ καὶ οὐκ ἐγγονοι, Ὡ οὐκ ἔσται ἐπίγνωστος = לא נכר; 19. 20 ובבשרי בעורי ובעצמי א' ἐν δέρματί μου καὶ ἐν κρέα μου ἐκολλήθη τὸ ὕστουν μου, Ὡ ἐν δέρματί μου ἐσάπηναν αἱ σάρκες μου τὰ δὲ ὕστα μου = בעורי בשרי רקבה ועצמי; 20. 26 לצפוניו א' ἀποκέρκνται τοῖς ἐγκεκρυσμένους αὐτοῦ, Ὡ αὐτῷ ὑπομείναι = ל' צפוניו; 24. 5 משהרי לטרף א' ὁρρίζοντες εἰς ἄλωσιν, wanting in Ὡ; 28. 13 ערכה א' τάξιν αὐτῆς, Ὡ ὁδὸν αὐτῆς = דרכה; 30. 15 וכעב עברה א' ורוח עברה ותטהרם א' καὶ πνεῦμα παρήλθεν, which is missing in Ὡ; 37. 21 ורוח עברה ותטהרם א' καὶ πνεῦμα παρήλθεν καὶ ἐκαθάρισεν αὐτάς, Ὡ ὥσπερ τὸ παρ' αὐτοῦ ἐπὶ νεφῶν, in which עב alone is recognizable; 39. 21 לקראת נשך א' εἰς ἀπάντησιν ὕπλου, Ὡ συναντῶν βασιλεῖ, perhaps נשך; Ps. 27 (28). 3 אל תמשכני עם רשעים ועם א' תמשכני עם רשעים ועם א' פועלי און א' μὴ ἐλκύσης (με) μετὰ ἁσεβῶν καὶ μετὰ κατεργαζομένων ἀνοφελές, Ὡ μὴ συνελκύσης μετὰ ἁμαρτωλῶν τὴν ψυχὴν μου καὶ μετὰ ἐργαζομένων ἀδικίαν μὴ συναπολέσης με, which, it must be admitted, may be a paraphrastic rendering of our Hebrew; 31 (32). 5 עון חטאתי א' ἀνομίαν ἁμαρτίας μου, Ὡ ἀσέβειαν τῆς καρδίας μου; 49 (50). 11 ויו שרי א' παντοδπα χάρας, Ὡ ὠραύτης ἀγροῦ, as if ויו; 71 (72). 14 דמם א' τὸ αἷμα αὐτῶν, Ὡ τὸ ὄνομα αὐτῶν = שמם; Prov. 2. 6 מפיו א' ἀπὸ στόματος (αὐτοῦ), Ὡ ἀπὸ προσώπου αὐτοῦ = מפניו; 4. 4 וחיה א' καὶ ζῇ, wanting in Ὡ; 8. 26 ער לא עשה א' πρὶν ἢ ἐποίησε, Ὡ κύριος ἐποίησε; 10. 7 ירקב א' σαπῆσεται, Ὡ σβέννυται, which, according to some exegetes, would correspond to ירעך; 10. 21 ירעו רבים א' ποιμαίνουσι πολλούς, Ὡ ἐπίσταται ὑψηλά = ידעו רמים; 15. 22 וברכ יועצים א' καὶ ἐν πληθῇ συμβουλευόντων, Ὡ ἐν δὲ καρδίαις βουλευομένων, as if ובלב; 27. 13 כי ערב א' ὅτι ἐνεγύσατο ἀλλόττριον, Ὡ παρήλθε γὰρ ὕβριστής = כי עבר ו; Isa. 3. 24-5 מתיך יפי: א' ὅτι ἀντὶ κάλλους ἀνδρες σου, Ὡ καὶ οὐκ εὐθνήσῃ, wanting in Ὡ; 30. 28 ורסן כותעה על לחיי עמים א' καὶ χαλινὸν πλανῶντα ἐπὶ σιαγόνas

36. Instances, however, are not lacking in which Aquila is at variance with the received text. Before proceeding to

λαῶν, \mathfrak{G} καὶ διώξεται αὐτοὺς πλάνησις καὶ λήψεται αὐτοὺς κατὰ πρόσωπον αὐτῶν, as if \mathfrak{H} $\text{לחיייהם על מתעה ורצן}$ (\mathfrak{H} לחיייהם being construed as \mathfrak{H} פניהם); 33. 20 קרית \mathfrak{H} א' פוליס \mathfrak{H} ἐορτῶν . . . , \mathfrak{G} $\text{πύλις τὸ σωτήριον ἡμῶν}$, as if \mathfrak{H} ישועתנו ; 35. 2 \mathfrak{H} והשרון \mathfrak{H} א' καὶ τοῦ Σαρῶν , wanting in \mathfrak{G} ; 38. 12 \mathfrak{H} לילה \mathfrak{H} א' αὐφ' ἡμέρας \mathfrak{H} ἕως νυκτός , \mathfrak{G} $\text{ἐν τῇ ἡμέρᾳ ἐκείνῃ}$ = \mathfrak{H} ביום ההוא ; 38. 14 \mathfrak{H} עגור \mathfrak{H} א' ἀγούρ , wanting in \mathfrak{G} ; Jer. 6. 11 \mathfrak{H} יהוה \mathfrak{H} א' חמות κυρίου , \mathfrak{G} θυμὸν μου = \mathfrak{H} חמתי ; 25. 38 (32. 24) \mathfrak{H} היונה \mathfrak{H} א' ὄρχης . . . , \mathfrak{G} μαχαίρας = \mathfrak{H} חרב ; 30 (37). 16 \mathfrak{H} בשבי \mathfrak{H} $\text{א' πάντες αὐτοὶ ἐν αἰχμαλωσίᾳ πορεύσονται}$, \mathfrak{G} $\text{κρέας αὐτῶν πᾶν ἔδονται}$ = \mathfrak{H} כלם בשבם יאכלו ; 31 (38). 12 \mathfrak{H} רוח \mathfrak{H} $\text{א' ὡς κῆπος μεθύων}$, \mathfrak{G} ὥσπερ ξύλον \mathfrak{H} ἐγκαρπον = \mathfrak{H} כעץ פרי ; 34 (41). 18 \mathfrak{H} בין \mathfrak{H} א' ἐνὶ πνεύματι \mathfrak{H} $\text{ἐνὶ πνεύματι τοῦ μύσχου οὐ διείλον εἰς δύο καὶ διήλθον ἀναμέσον τῶν διχοτομημάτων αὐτοῦ}$, \mathfrak{G} $\text{κατὰ πρόσωπόν μου τὸν μύσχον ὃν ἐποίησαν ἐργάζεσθαι αὐτῷ}$; 46 (26). 12 \mathfrak{H} קלונך \mathfrak{H} $\text{א' τὴν ἀτιμίαν σου}$, \mathfrak{G} φωνήν σου = \mathfrak{H} קולך ; 49 (30). 2 \mathfrak{H} ובנתיה \mathfrak{H} $\text{א' καὶ αἱ θυγατέρες αὐτῆς}$, \mathfrak{G} καὶ βῶμοι αὐτῆς = \mathfrak{H} ובמתיה ; 49. 25 (30. 14) \mathfrak{H} עיר \mathfrak{H} $\text{א' (πόλιν) ἐπαινετήν}$, \mathfrak{G} πόλιν ἐμήν = \mathfrak{H} עירי ; Ezek. 1. 13 \mathfrak{H} ודמות \mathfrak{H} א' καὶ ὁμοιώσεις , \mathfrak{G} καὶ ἐν μέσῳ = \mathfrak{H} ובתוך ; 5. 14 \mathfrak{H} ולחרפה בנוים \mathfrak{H} $\text{א' καὶ εἰς ὕνεδος ἐν τοῖς ἔθνεσι}$, \mathfrak{G} $\text{καὶ τὰς θυγατέρας σου}$ = \mathfrak{H} ובנותיך ; 13. 3 \mathfrak{H} א' ἀπορρέοντας , \mathfrak{G} ἀπὸ καρδίας αὐτῶν = \mathfrak{H} מלבם ; 18. 11 \mathfrak{H} עשה \mathfrak{H} $\text{א' καὶ αὐτὸς σύμπαντα ταῦτα οὐκ ἐποίησεν}$, \mathfrak{G} $\text{ἐν τῇ ὁδῷ τοῦ πατρὸς αὐτοῦ τοῦ δικαίου οὐκ ἐπορεύθη}$, which, however, may be a paraphrase of the Hebrew; 22. 25 \mathfrak{H} אשר נשיאיה \mathfrak{H} א' οἱ ἀφηγούμενοι = \mathfrak{H} אשר נשיאיה ; 23. 34 \mathfrak{H} מלאכת \mathfrak{H} $\text{א' καὶ τοὺς μαστούς σου κατατιλεῖς}$, wanting in \mathfrak{G} ; 28. 13 \mathfrak{H} מלאכת \mathfrak{H} $\text{א' ἔργον τοῦ κάλλους σου}$, \mathfrak{G} $\text{ἐνέπλησας τοὺς θησαυρούς σου}$ = \mathfrak{H} מלאכת חכין (Cornill); 29. 7 \mathfrak{H} כל כתף \mathfrak{H} א' πάντα ὤμων , \mathfrak{G} πᾶσα χεῖρ , as if \mathfrak{H} כף ; Hos. 6. 8 \mathfrak{H} עקבה מרם \mathfrak{H} $\text{א' περικαμψῆς ἀπὸ αἵματος}$, \mathfrak{G} ταράσσουσα ὕδωρ , as if \mathfrak{H} מים ; 11. 12 (12. 1) \mathfrak{H} רר עם אל \mathfrak{H} א' ἐπικρατῶν . . . , \mathfrak{G} $\text{ἔγνω αὐτοὺς ὁ θεός}$ = \mathfrak{H} ידעם אל ; Amos 7. 1 \mathfrak{H} המלך \mathfrak{H} $\text{א' καὶ ἰδοὺ ὁ ψιμὸς ὀπίσω τῆς γάξης τοῦ βασιλέως}$, \mathfrak{G} $\text{καὶ ἰδοὺ βροῦχος εἰς Γὰρ ὁ βασιλεύς}$, as if \mathfrak{H} המלך גג המלך ; Mic. 1. 10 \mathfrak{H} אל תגידו \mathfrak{H} א' μὴ ἀναγγέλητε , \mathfrak{G} μὴ μεγαλύνεσθε = \mathfrak{H} אל תגדילו ; Hab. 1. 5 \mathfrak{H} ראו בנוים \mathfrak{H} $\text{א' aspiciē in gentibus}$ (Jer.), \mathfrak{G} $\text{ἴδετε οἱ καταφρονηταί}$, as if \mathfrak{H} בגרים ; Zeph. 3. 18 \mathfrak{H} ממועד \mathfrak{H} א' translatos . . . (Jer.), \mathfrak{G} $\text{ὡς ἐν ἡμέρᾳ ἐορτῆς}$ = \mathfrak{H} ביום מועד . [Dr. Reider might have readily enlarged his list by citing cases of variation in the Hebrew underlying \mathfrak{G} which admit of no doubt; attention is directed to passages where \mathfrak{G} has clearly preserved the superior reading, while \mathfrak{A} clings to the received text. There are enough examples in the list, however, to substantiate the statement in the text. M.]

It was thought expedient to omit from this list as too evident those Aquila words and passages which serve to fill up gaps and lacunae in the Septuagint. These, as a rule, follow our consonantal text very closely,

enumerate them it is well to state that my own efforts bear out the statement of Cornill to the effect that the three minor versions though extant in small remains 'reveal a series of renderings which can be explained only as due to a divergent text; even in Jerome, who flourished about 400, some minor differences of pointing and word-division and here and there even consonantal variants may be detected'.¹⁰¹ The same scholar has gleaned a goodly number of consonantal variants from the Targum to Ezekiel.¹⁰² Similar lists may be made in other books, and it is a source of regret that no comprehensive monograph on this subject is available, though noteworthy contributions on a smaller scale have been made.¹⁰³ Of course, in dealing with the Targum, and for that matter with the other versions not greatly removed from it in time, the differences between the two Masoretic schools, the Orientals and the Occidentals, must not be lost sight of. Especially is this true of the marginal readings or פירושים on which subject there is notable divergence between the two schools. On the whole it may be said that Aquila goes with the margin (פירוש); but instances to the contrary are not wanting. Interesting are those

while, on the authority of Origen, they were wanting in the Alexandrine version.

¹⁰¹ See Prolegomena to his edition of Ezekiel, p. 11. Likewise Nestle in *Realencyclopädie für protestantische Theologie und Kirche*³, III, 22: 'Aquila's translation shows that even in the school whence our Masoretic text is descended the latter was not yet fixed in all its particulars in the first third of the second century.' Contrast Burkitt, *JQR.*, X (1898), 214 note, who speaks of 'the exact agreement of the translation of Aquila with the present Masoretic text'.

¹⁰² See *ibid.*, p. 126 ff.

¹⁰³ See the literature in Strack's *Einleitung*⁶, § 84; comp. especially Geiger, *Urschrift*, Excurs II on the Palestinian Targum to the Pentateuch, p. 451 ff.

cases where Aquila follows the **קְהִיב**, while the Septuagint goes with the **קְרִי**. The conclusion is forced upon us that Aquila's adherence to the **קְהִיב** in opposition to the older version is but another instance of his literalism.

37. In grouping the consonantal variants I only cite those that have a high degree of probability as having existed in Aquila's archetype. Thus Ruth 1. 12 **יָם הָיִיתִי לְאִישׁ הַלֵּילָה** = *καί γε . . . βεβηλωμένη ἀνδρί*, implying **הַלֵּילָה** 'profaned, polluted' (Ⓜ and Ⓢ omit the word altogether); 1 Kings 2. 5 *συνετρίβησαν* shows that *a'* read **נִשְׁפְּרוּ** for **נִשְׁפְּרוּ**; 28. 16 **עָרָךְ** = *κατὰ σοῦ*, so *a'* *θ'* and in a citation by Origen, Field conjectures **עָלָךְ**, comp. indeed *BDB.*, *s.v.* **עָל** 6 d (it is more probable, however, that the signatures are faulty and that *a'* *θ'* wrote what is now ascribed to *σ'*, *ἀντιζήλος σου*, see Index *s.v.*); 2 Kings 23. 19 **מִן הַשְּׁלֵשָׁה הָיִי נִכְבֵּד** = *παρὰ τοὺς τρεῖς, ὅτι ἔνδοξος*, hence *a'* read **פִּי**; Ps. 77 (78). 33 *ὡς ἀτμόν* implies **בְּהֶבֶל** for **בְּהֶבֶל**, but Ⓜ reads MT; 88 (89). 51 **כָּל־רִבִּים** = *πάσας ἀδικίας*, hence **רִיבִי** (= **רִבִּי**), so Jer. *omnes iniquitates*, who is followed by Duhm, while Baethgen suggests **כָּל־בַּיִת** and Perles (*Analekten zur Textkritik des A. T.*, p. 14) derives the same word from **כל** abbreviated; 118 (119). 119 *διελογίσω* corresponds to **הִשְׁבַּחְתָּ** which *a'* read for **הִשְׁבַּחְתָּ** with *σ'* and Jer., while Ⓜ reads **הִשְׁבַּחְתָּ**, *ἐλογισάμην*; 120 (121). 3 *μὴ ὀφύης* which is common to all the Greek versions yields **אֶל־תִּתֵּן** for **אֶל־יִתֵּן**; Prov. 21. 28 **לִנְצַח יִדְבֵּר**, *a'* *σ'* *θ'* *εἰς νῆκος πορεύσεται*, implies **יַעֲבֹר**; 30. 1 **וְאָפֵל** *καὶ τέλεισιν* implies **וְכָלָה** or **וְכָלָה** (comp. Dan. 9. 24), possibly **וְכָל**; Eccles. 7. 23 (22) *πονηρεύσεται*, hence **יָרַע** was read with Ⓜ and *σ'*; 8. 12 **מִמָּת** *ἀπέθανεν a'* *σ'* *θ'*, all of whom read **מָת**, while Ⓜ's *ἀπὸ τότε* = **מָאָז**, the latter more in style of *a'*; 11. 5 **בְּאַשְׁרֵי** *ἐν ᾧ*, implying **בְּאַשְׁרֵי**; 12. 6 **גִּלְתָּ הַחֹב** *λύτρωσις τοῦ χρυσίου*, pointing to **גִּלְתָּ** = **גִּלְתָּ**; Cant. 3. 6 **כְּתִמְרֹת** *ὡς ὁμοίωσις*, points

to בְּתִינֶנֶת; ¹⁰⁴ Isa. 14. 32 מְלָאֲכִי βασιλεὺς α' θ', hence both read מְלָכִי with Θ; 16. 7 τοῖς πολυχρόνιοις μου implies לְיִשְׁרָאֵל for לְאִשְׁרָאֵל, Θ and Τ read לְאִשְׁרָאֵל by analogy with Jer. 48 (31). 31; a similar variant is also found Hos. 3. 1 where אִשְׁרָאֵל = παλαιά implies וְיִשְׁרָאֵל; 61. 6 תִּתְּנֵם was read תִּתְּנֵם = πορφυρωθήσεται, der. from הָמָר 'to be red'; Jer. 6. 6 הָעִיר הַפָּקָד = ἡ πόλις ἄδικος, in the same sense also Θ (ἡ ψευδής), Τ דאיתפקידו עיר הַפָּקָד, הָעִיר הַבְּנִינָה, Giesebrecht עיר הַפָּקָד, Cornill עיר הַשָּׁקָר, the latter is the most probable for both Θ and α'; *ibid.*, v. 11 סוֹד בְּחַיִּים סוֹד σύσπρεμμα πονηρευομένων, hence מְרָעִים סוֹד, comp. Ps. 63 (64). 3 where מְרָעִים is so rendered; 9. 21 (20) בְּחַלּוֹנֵיכֶם for בְּחַלּוֹנֵי with Θ Τ σ', and בְּאֶמְנוֹתֵיכֶם for בְּאֶמְנוֹתֵי with σ'; 15. 11 לְשִׁרְתֶּךָ τὸ ὑπόλειμμα σου, hence שְׁרִיתֶךָ (א) with σ' Τ Θ; 17. 1 מִן־בְּחֻתֵּיהֶם for מִן־בְּחֻתֵּיהֶם with Τ Θ Σ, but perhaps assimilated to the preceding לְכֶם; *ibid.*, ver. 4 καὶ διαβιβάζω σε points to וְהַעֲבַרְתִּיךָ instead of וְהַעֲבַרְתִּיךָ, comp. 15. 14 where וְהַעֲבַרְתִּי = (καὶ) παραβιβάζω σε also implies the same reading וְהַעֲבַרְתִּיךָ though Θ read MT *et adducam*, Θ Τ Σ read וְהַעֲבַרְתִּיךָ in both places; 20. 11 οὐχ οὕτως implies לֹא בָּן dissolved into בָּן, a process frequent in the Septuagint; 21. 14 כְּפָרִי מַעֲלִיכֶם = κατὰ τὰ πονηρὰ ἐπιτηδεύματα, hence α' and θ' read כְּרָע for כְּפָרִי by analogy with ver. 12; 26 (33). 18 αὐτός = הוּא for הִיָּה; 34 (41). 5 κατὰ τοὺς ἐμπυρισμούς points to וּבְמִשְׁרָפֹת inst. of וּבְמִשְׁרָפֹת, so Θ Σ Θ; 41 (48). 17 ἐν τοῖς φραγμοῖς implies בְּנִדְרוֹת inst. of בְּנִדְרוֹת, comp. 49 (30). 3 where בְּנִדְרוֹת is rendered by α' similarly, comp. also Josephus, *Antiq.*, X, 95 where Μάνδρα supports α's reading; 48 (31). 30 בְּדִי τὰ ἐξάίρετα αὐτοῦ (Syr-Hex. ܕܝܝܐ ܕܐܝܬܐ), hence בְּדִי, similarly 50 (27). 36 where אֶל־הַבְּרִידִים is rendered ܠܗܐܠܝܐܝܝܡ (Syr-Hex.); *ibid.*, ver. 37 נִרְעָה κατατετμημένος would imply נִרְעָה, but Syr-Hex.

¹⁰⁴ But more likely ὁμοίωσις is a corruption of θυμίασις.

records קָרַרְתָּ ; *ibid.*, קָרַרְתָּ καταπεπληγμένος, did *a'* read קָרַרְתָּ ? 51 (28). 10 צָדִיקֵינוּ δικαιοσύνην αὐτοῦ, hence צָדִיקֵינוּ with צ ; *ibid.*, ver. 64 $\text{וַיַּעֲבֹד עֲרֵהָנָה דְּבָרִי יִרְמְיָהוּ}$ καὶ ἐστάθησαν ἕως ἐνταῦθα οἱ λόγοι Ἱερεμίου, which implies perhaps וַיַּעֲבֹד and a different division than MT, but it must be remarked that Syro-Hex. records וַיַּעֲבֹד and that the same word in ver. 58 is rendered καὶ ἐκλυθήσονται, both in agreement with MT; Ezek. 3. 9 נִכְחָךְ νίκος σου, hence נִכְחָךְ ; 12. 11 לְהֵם ἵμῶν, hence לְהֵם , possibly assimilation to the context, see also Ken. and De Rossi; 19. 7 καὶ ἐκάκωσε implies וַיַּרְע for וַיַּדַּע comp. וַיַּרְע ἐνέμετο = וַיַּרְע ; 21. 12 (17) συγκεκλεισμένοι implies סָגִירִי for סָגִירִי , similarly, 35. 5 καὶ συνέκλεισας = וַיַּסְגֵּר inst. of וַיַּסְגֵּר ; *ibid.*, ver. 30 (35) εἰς τὸν κολεόν σου points to וַיַּסְגֵּר inst. of וַיַּסְגֵּר , but perhaps assimilated to the context; 22. 16 וַיַּסְגֵּר καὶ κατακληροδοτήσω, hence וַיַּסְגֵּר with ו ו ; 23. 15. 23 וַיַּסְגֵּר is made to correspond to σκυλευτῶν (those that strip a slain enemy), hence Cornill suggests the reading וַיַּסְגֵּר ; *ibid.*, ver. 35 וַיַּסְגֵּר πίε, did *a'* read וַיַּסְגֵּר ? 24. 12 וַיַּסְגֵּר does not fit ταπεινωθήσεται, hence Cornill suggests וַיַּסְגֵּר ; 27. 11 וַיַּסְגֵּר = τετελεσμένοι accord. to the second edition of *a'*, hence he read וַיַּסְגֵּר , ו also had the same consonants, comp. Lagarde, *Onom.*, II, 95, who considers this the original reading referring to וַיַּסְגֵּר ; *ibid.*, ver. 16 Ἐδῶμ points to וַיַּסְגֵּר inst. of וַיַּסְגֵּר , so ו , while the same consonants underlie also ו 's ἀνθρώπους; *ibid.*, συναλλαγὴν σου cannot stand for וַיַּסְגֵּר , it is not improbable that *a'* read וַיַּסְגֵּר , deriving it from וַיַּסְגֵּר and construing it as וַיַּסְגֵּר ; *ibid.*, ver. 19 σπαρτίον (cord) probably refers to וַיַּסְגֵּר which *a'* read for וַיַּסְגֵּר , comp. the Ketib 3 Kings 7. 23; Jer. 31. 39; Zech. 1. 16; *ibid.*, ver. 32 וַיַּסְגֵּר was read וַיַּסְגֵּר = ὥς ὕψος αὐτῆς, comp. Judges 15. 17 where וַיַּסְגֵּר is rendered by ὕψους (comp. also ו Isa. 38. 10 וַיַּסְגֵּר = ἐν τῷ ὕψει τῶν ἡμερῶν μου where we

have the opinion of Jerome that they read *rane* for *dame*, comp. Field note); 28. 13 מְלֹאכֶת הַפִּיךְ is rendered by *a' θ' ἔργον τοῦ κάλλους σου*, hence they may have read מְלֹאכֶת יָפִיךְ, likewise *U decoris*; *ibid.*, ver. 16 καὶ πτερύγια χερούβ impl. וְאַפְרָךְ כְּרוֹב for וְאַפְרָךְ כְּרוֹב, comp., however, the variant (καὶ) ἀπολέσω σε (Field); 30. 22 for הַנְּשִׁבֶרֶת which makes no sense, *a'* probably read הַנְּשִׁימָה = ὑψηλόν; 40. 2 ἐξ ἔναντι renders כְּנֶגְדְּ inst. of כְּנֶגְבְּ, so *U*, comp. Hitzig *ad loc.*; Mic. 6. 14 καὶ καταφυτεύσω cannot correspond to וְנִשְׁתַּחֲוֶה, Margolis (*Micah*, p. 67) suggests that *a'* read וְאִשְׁתַּחֲוֶה (from שתל): and I will plant thee, *U θ'* have συσκοτάσει = ויחשך, *σ'* διαφθερεῖ σε = וישחתך.

38. Some variants depending on ו and י and hence of less importance are as follows: Deut. 28. 20 *a'*, like Sam. *U T^{Jon} U* and MSS., reads אַתְּ הַמָּאֲרָה וְאַתְּ הַמְּהוּמָה, σπάνιν καὶ φάγεται; *ibid.*, ver. 53 יָצִיק was read יָצִיק = ἐπιχύσει; Judges 5. 21 κανσώνων points to קְדִימִים for קְדִימִים; Job 41. 4 καὶ δωρήσεται impl. יָחַן for וְחִין, comp. Deut. 28. 50 where יָחַן is so rendered; Ps. 21 (22). 17 ἤσχυαν impl. בְּצָרִי (on the meaning comp. above, § 23) inst. of בְּצָרִי, which is supported by most versions, Midr. Tillim, and Complut., comp. Taylor, pp. 42 ff., see also Graetz *ad loc.* (Perles, *Analekten*, p. 50, emends כָּאֲרִי to כְּתָרִי claiming that this underlies *a'*'s second translation פָּבַב and Jerome's *vinxerunt*); 73 (74). 5 ὥς εἴσοδος points to בְּמִבְוֶה inst. of בְּמִבְוֶה, so *U S σ' θ'* and Jer.; Cant. 7. 9 (10) χεῖλεσι καὶ ὀδοῦσι impl. שִׁנְתַּי שִׁנְתַּי inst. of שִׁנְתַּי שִׁנְתַּי, so *U* and *S* who only vary in reading שִׁנְתַּי, comp. Geiger, *Urschrift*, p. 405; Isa. 52. 5 παρανομοῦσιν impl. יְהוֹלִלִי inst. of יְהוֹלִלִי, but contrast Jerome's *flebunt* = ὀλοῦνται; Jer. 6. 18 καὶ γινώτε = יָדַעְתִּי for יָדַעְתִּי; 31 (38). 24 וְנִסְעוּ בְּעֶדְרִי = καὶ αἵροντες ἐν ποιμνίῳ, hence *a'* read וְנִסְעוּ with *σ' T S U*, which also yields a better sense; Ezek. 27. 25

ἐλειτουργεῖ σοι impl. שְׁרַתִּיךָ for שְׁרֹתֶיךָ, the versions have various readings none of which is as satisfactory as that of our translator, comp. Cornill *ad loc.*; Dan. 10. 1 συνήσει points to יִבִּין inst. of יִבִּין, similarly Ⓜ διανοηθήσεται; Hab. 2. 4 ἡ ψυχὴ μου impl. נַפְשִׁי inst. of נַפְשִׁי, so also Ⓜ.

39. Another class of variants are those which may be based on metathesis. Thus Judges 5. 22 ἐνπρέπεια impl. הִרְרָה inst. of דִּהְרֹת; Ps. 17 (18). 46 וַיִּתְּרָגִי is rendered by συστέλλεσθαι making it evident that α' read וַיִּתְּרָגִי, so Ⓜ and some Jewish commentators, among them Ibn Ganah; Prov. 17. 10 תַּחַת was read תַּחַת = πλήξῃς; Ezek. 16. 61 μιμήσασθαι does not correspond to בְּמִתְחַתֵּךְ but בְּתַחֲתֶךָ, comp. 23. 14 where α' renders מִתְחַתֵּךְ by μίμημα; 21. 14 (19) οἱ θαύβοι (astonishment) yields הִתְחַרְרָה for הִתְחַרְרָה, Ⓜ similarly read וַיִּתְּחַרְרָה, רִמְוִיעָא, so also Jer.; Hab. 2. 4 עֲפָלָה was probably read עֲלָפָה = νωχελευόμενον with some Bible manuscripts; 2. 16 καὶ καρώθητι, as Field already remarked, corresponds to וַהֲרַעַל inst. of וַהֲעָרַל, Ⓜ and Ⓢ derive it likewise from רַעַל, and so also many commentators; Zeph. 3. 18 הָיִי was read הָיִי = οἶ, so Ⓜ οὐαί and Ⓢ וִי.

40. Still another set of variants are those which may go back to a phonetic similarity of two or more sounds, resp. letters, in which case we must assume that the translator sometimes translated by ear.¹⁰⁵ Thus Gen. 41. 43 γονατίξιν = הִבְרֶךְ inst. of אֲבִרֶךְ; Exod. 5. 4 *et al.* ἀποπετάξιν (πετάξιν = spread out, fly) for הִפְרִיעַ, assuming הִפְרִיעַ (comp. 9. 9); Deut. 26. 14 (also 3 Kings 22. 47 and 4 Kings 23. 24) ἐπιλέγειν does not correspond to בָּעֵר but בָּתַר; 1 Kings 21. 13 (14) καὶ προσέκρουεν points to וַיִּתֵּךְ for וַיִּתֵּי, likewise Ⓜ Ⓢ; Job 4. 2 μήτι ἐπαροῦμεν points to הִנֵּשָׂא for הִנֵּפָה, so also σ' and θ'; *ibid.*, ver. 13 ἐν παραλλαγῇς (change, variation)

¹⁰⁵ Comp. Graetz, *Kritischer Commentar zu den Psalmen*, p. 121 ff.

impl. בְּשִׁעְפִּים for בְּסִעְפִּים; 28. 11 ἐξερεύνησεν of both *a'* and *θ'* implies הִפֵּשׁ for הִבֵּשׁ, likewise Θ ἀνεκάλυψεν and U *scrutatus est*; 41. 7 σῶμα αὐτοῦ implies הַנֶּחֱמָה for הַנֶּחֱמָה, so also Θ U; Ps. 4. 7 ἔπαρον of *a'* and *θ'* yields נִשָּׂא for נִסָּה; 26 (27). 12 καὶ ἐξεφάνη corresponds to וַיִּפֹּעַ inst. of וַיִּפֹּחַ, likewise ט'; 89 (90). 10 הָיִשׁ was translated ἀνὴρ, hence אִישׁ, in the first recension of *a'* (Field note); Prov. 22. 19 ζῶν = חַיִּים for הַיּוֹם; Jer. 6. 28 ἄρχοντες points to שָׂרִי for כָּרִי, so ט ט ט and many Hebr. MSS.; Ezek. 13. 22 ἡμαυρώθη points to הִבְהוֹת (der. from כָּהַן) for הִבְהוֹת, Θ ט ט הִבְהוֹת; 27. 9 εἰς πλῆθος points to לָרַב for לְעֶרֶב; 31. 15 ἐπένθησεν αὐτόν implies וַתִּקְדֶּר for וַתִּקְדֶּר; Mic. 4. 8 σκοτώδης implies אָפֵל for עָפֵל, the same is implied by σ' ἀπόκρυφος.

41. While it is not strange to find some consonantal variants in Aquila's version it is rather surprising to find in it a number of words and even phrases which are either extant in Aquila but missing in the Hebrew or extant in the Hebrew and missing in Aquila. To account for this we must assume that in most of these cases he certainly had a text different from our own, while in others he may have been made to agree with the Septuagint by later scribes or copyists. In enumerating these cases all doubtful ascriptions have been kept out. Extant in Aquila but missing in Hebrew: 2 Kings 3. 27 εἰς τὸν ἐνοπλισμόν impl. הַחֲמִישׁ (or עַל) לָאֵל, so also Θ and σ'; Cant. 6. 5 (6) . . . τῆς κόκκου, hence *a'* must have read like Θ: כְּחוֹט הַשֶּׁנִּי שֶׁבְּחֻמֶּיךָ; וּמִדְּבָרְךָ נֶאֱמָה, which is missing in MT at this place but is found in 4. 3 and by the nature of the discourse should have existed also here; 8. 4 ἐν δορκάσιν ἢ ἐν ἐλάφοις τῆς χώρας which corresponds to הַשְּׂדֵה הַשְּׂדֵה אוֹ בְּעֵבְרֹת, a phrase found 2. 7 in connexion with הַשְּׂבָעִי, perhaps it is a mistake of the copyist who thought of 2. 7 (comp. Frankel,

Vorstudien, p. 68 f.), but it is also possible that *a'*'s Hebrew text had it, it is interesting that also *Θ* has this addition; Jer. 16. 5 *αὐτῶν* with *Θ*; a superfluous *πᾶς* is found Jer. 44 (51). 23; Ezek. 18. 10; Zeph. 3. 9 to which comp. Frankel, *ibid.*, p. 67; a superfluous *ἐκείνος* is found Jer. 45. 4 (51. 34) and Ezek. 20. 40; Ezek. 13. 2 *τοῖς προφητεύουσιν* credited to *a'* and *θ'* has no equivalent in MT; 20. 14 *οὐκ* probably later addition; 28. 13 *ἐν σοί*; 40. 3 *ἐν τῇ χειρὶ αὐτοῦ* which is supported by *Θ^A θ' L V* and *S sub asterisco*.—Extant in Hebrew but missing in Aquila: 1 Kings 13. 18 *הַגְּבִיל*; 3 Kings 8. 24 *לִי וְלַתְּדַבֵּר*, likewise *Θ* and *σ'*; 21 (20). 7 *וַיֵּאמֶר*; 4 Kings 23. 18 *עֲצַמֹתַי* 20; Ps. 60 (61). 8 *נָּ* accord. to Eus. and Syro-Hex. (also *σ'* and Jer. omit it); 61 (62). 12 *וַי*, so *σ'*; 105 (106). 7 *בָּנִים*, so *σ'*; 140 (141). 3 *בָּל*, found in the other versions; Prov. 12. 14 no translation for *אָדָם* unless *αὐτοῦ* is a corruption of *ἀνθρώπου*; Ezek. 32. 1, 17 *ἐν τῷ δεκάτῳ ἔτει* renders *שָׁנָה עֶשְׂרֹה שְׁנֵי*, hence *שְׁנֵי* was not read, so *Θ σ' θ'*; Hos. 10. 15 *נִדְמָה*, found in *Θ*, is *κατεσιωπήθη* a free rendering of *נִדְמָה נִדְמָה*?

42. More frequent are minor variants such as the addition or omission of the connective particle, the article, the *nota accusativi* *אֵל*, or the substitution of sing. for pl. and *vice versa*. These are often due to the carelessness of the scribe or copyist and hence great care must be exercised before stamping them as real variants.¹⁰⁶

¹⁰⁶ On such minor variants in the Talmud comp. Aptowitzer, 'Das Schriftwort in der rabbinischen Literatur' in the *Sitzungsberichte der Akad. der Wiss. in Wien* cliii (1906), Abhandl. VI; *ibid.* clx (1908), Abhandl. VII; in the *XVIII. Jahresbericht der Isr.-Theol. Lehranstalt in Wien*, 1911. [Comp. also Rosenfeld, *משפחת סופרים*, Wilna, 1883. M.]—These too are not always real variants owing to the fact that the Rabbis were wont to quote from memory and hence misquotations arose; comp. Geiger, *Nachgelassene Schriften*, IV, 30, and Margolis, *The Columbia College MS. of Megilla*, New York, 1892, p. 11 ff. The Church Fathers too quoted Bible

43. Aquila follows the Ketib in the following passages :
 Exod. 21. 8 יַעֲרָה (ל'ו' ל') = ὁσ' οὐ καθωμολογήσατο αὐτήν, so σ' θ' and other versions, as well as Bab. Kiddushin 19 a and Mekilta *ad loc.*, the latter not without a compromise הִין לֹא מַכֵּל; ¹⁰⁷ 4 Kings 25. 12 καὶ εἰς βοθυνώτας = וְלִנְבִּים (וְלִנְבִּים Kere), so 𐤀𐤔𐤌𐤏𐤔𐤏𐤕𐤏𐤕 transliterating γαβίν; 1 Chron. 25. 1 τῶν προφητῶν = הַנְּבִיאִים (Kere הַנְּבִיאִים); Ps. 9. 31 (10. 10) 𐤌𐤏𐤔𐤏𐤕 = וְרָכָה (pointed וְרָכָה), so σ' ὁ δὲ θλασθείς, but Kere וְרָכָה; 70 (71). 20 ἔδειξας ἡμῖν הַרְאִיתָנוּ, while Kere requires יָדִי; 143 (144). 2 𐤌𐤏𐤔𐤏𐤕 = תַּחֲתִי, Kere תַּחֲתִי; Prov. 6. 16 βδελύγματα = הוֹעֲבֹת; 21. 29 ἐτοιμάσει α' σ' yields יָבִין, which is also adopted by 𐤔𐤏𐤕𐤏𐤕, while 𐤀𐤔𐤌𐤏𐤔𐤏𐤕 follows Kere יָבִין; Isa. 9. 3 (2) οἱ ἄ read לֹא תִהְיֶה instead of לֹא, which lends support to Krochmal's emendation הַיָּלֵה = הַיָּלֵה (|| תַּשְׁמִיחָה ||); Jer. 9. 8 (7) τιτρώσκον implies שׁוֹחֵט, so 𐤔𐤏𐤕𐤏𐤕 σ' 𐤔𐤏𐤕𐤏𐤕, but 𐤔𐤏𐤕 and 𐤔𐤏𐤕 follow the Kere in reading שְׁחַט or שְׁחַט; 40 (47), 8 עוֹפִי = 𐤏𐤏𐤔 on the margin of the Syro-Hex., Kere עוֹפִי; Ezek. 43. 26 *manum eius* (Jer.) = יָדוֹ; Dan. 11. 10 𐤌𐤏𐤔𐤏𐤕 𐤌𐤏𐤔𐤏𐤕, hence הִי inst. of Kere הִי.

The Kere is followed Gen. 30. 11 where ἡλεν ἐν ζωνία corresponds to 𐤌𐤏𐤔𐤏𐤕, so most versions except 𐤀𐤔𐤌𐤏𐤔𐤏𐤕 ἐν τύχη = 𐤌𐤏𐤔𐤏𐤕; 2 Kings 20. 23 Χερηθί = כְּרִיתִי (Ketib כְּרִי); 21. 20 ἀντίδικος or ἀντιλογίας = מִדּוֹן; 3 Kings 1. 33 𐤌𐤏𐤔𐤏𐤕 = אֶל; 4 Kings 12. 9 (10) 𐤌𐤏𐤔𐤏𐤕 = מִנְּמִין; Ps. 21 (22). 30 תִּיהָ . . . αὐτῷ ζῆ, hence לֹא ¹⁰⁸ with 𐤀𐤔𐤌𐤏𐤔𐤏𐤕 σ' θ' 𐤔𐤏𐤕 Jer. and תִּיהָ with almost all the versions ¹⁰⁹; 29 (30). 4 ἀπὸ τοῦ

passages from memory, and hence incorrectly, comp. Cornill, *Ezechiel*, pp. 58-61, and Rahlfs, *Septuaginta-Studien*, I, 16 f. and 49.

¹⁰⁷ It is noteworthy that Aquila's interpretation disagrees with the rabbinic tradition that a Hebrew maid, when engaged as a servant, is to be married by her employer, comp. Mekilta and Kiddushin, *loc. cit.*

¹⁰⁸ On this Kere comp. Baer, *Liber Psalmorum*, p. 91.

¹⁰⁹ Just how he construed the phrase it is difficult to say, since

καταβήναί με corresponds to מִיִּרְרִי in which *a'* is followed by ס' ט and Jer., but 𐤄 𐤅 𐤆 𐤇 have מִיִּרְרִי; 54 (55). 16 ἐπάξει θάνατον corresponds to יָשִׁיא מָוֶת (Ketib יְשִׁימוֹת), so most versions; 99 (100). 3 𐤁𐤌𐤐 = לוֹ; Isa. 36. 12 צִוְּתָם וַיְמִיּוּ בְּלִיָּהֶם; 49. 5 *ei* points to לוֹ; Jer. 7. 22 ἐξαγαγόντος μου = הוֹצִיאִי, Ketib הוֹצִיא; 17. 19 τοῦ λαοῦ = הָעָם, Ketib עָם; 32 (39). 23 𐤁𐤌𐤐 𐤁𐤌𐤐 = בְּחֹרֶתְךָ; 50 (27). 11 from ἐπεχάριτε = תִּשְׂמְחוּ it can be seen that *a'* like most other versions followed the Kere throughout the sentence; Ezek. 23. 43 πορνεύουσιν = וְנִינָה (Ketib וְנִינָה); Dan. 9. 24 καὶ τοῦ τελειῶσαι = וְלִהְיוֹת, so most versions, Ketib וְלַחֲתֵם.

44. The preceding study of Aquila, though dealing with details, does not claim to be exhaustive. In the course of the work many problems presented themselves which could not be solved for the moment, and hence had to be left to the future. To begin with, there is the paramount problem confronting every student of the ancient versions as to how much Aquila material entered into the Septuagint. Doubts have been cast on certain books of the Alexandrian Version as being contaminated with Aquila readings: thus

the equivalent of the first word has not been preserved, but we may safely assume that like ס' 𐤅 𐤆 and Jer. he read וְנִפְשִׁי. However that may be, there is reason to suppose that our translator wished here to emphasize the belief in immortality of the soul among the Jews, so that this would be a further proof for the view of M. Zipser (*Ben Chananja*, 1863, 182 f.) that *a'*'s translation of עַל-מֵוֶת Ps. 47 (48). 15 by ἀθανασία was due to an effort to prove that the term and idea of immortality existed in the Hebrew Bible. Further proof for this view lies in the fact that *a'* actually had עַל-מֵוֶת or עַל-מָוֶת, for in the very same passage the Syrohex. credits him with ܥܠ ܡܘܬܐ, while 9. 1 he renders the same word by νεανιότης (= עַל-מָוֶת). Hence the contention of M. Stössel (*ibid.*, p. 693) that *a'* had a faulty text before him, with אֶל- instead of עַל-, is quite untenable. Comp., furthermore, Anger, *De Aquila*, p. 17 f., who likewise assumes that *a'* here followed MT.

it appears that wherever the B text is defective in Joshua and Kings 3-4 the lacunae have been supplied in the A text from the third column of Origen's Hexapla¹¹⁰; furthermore, the books of Canticles and Ecclesiastes remind strikingly of the method of Aquila¹¹¹; while Cornill speaks of an Oxford codex to Ezekiel which is highly influenced by Aquila.¹¹² Now, in order to get to the original Septuagint—and this is a *conditio sine qua non* for obtaining ultimately the pre-Masoretic text of the Hebrew Scriptures—it is essential to separate out the Hexaplaric material which crept in through the influence of Origen.¹¹³ Before this attempt is made, however, the style and vocabulary of the three translators, Aquila, Symmachus, and Theodotion, from whom Origen supplied the lacunae in the Septuagint, have to be determined unequivocally. With a critical index of Aquila at hand the process of eliminating Aquila readings from the Septuagint can now go on. Let us hope that also Symmachus and Theodotion

¹¹⁰ Comp. Thackeray, *Grammar of the O. T. in Greek*, I, 3 f.

¹¹¹ See Buhl, *Kanon und Text*, p. 123.

¹¹² *Ezechiel*, pp. 64, 104 f.

¹¹³ Comp. the three axioms of Lagarde in his *Anmerkungen zur griechischen Übersetzung der Proverbien*, 1863, p. 3: 'I. die manuskripte der griechischen übersetzung des alten testaments sind alle entweder unmittelbar oder mittelbar das resultat eines eklektischen verfahrens: darum muss, wer den echten text wiederfinden will, ebenfalls eklektiker sein. sein maasstab kann nur die kenntniss des styles der einzelnen übersetzer, sein haupt-hilfsmittel muss die fähigkeit sein, die ihm vorkommenden lesarten auf ihr semitisches original zurückzuführen oder aber als originalgriechische verderbnisse zu erkennen. II. wenn ein vers oder verstheil in einer freien und in einer sklavisch treuen übertragung vorliegt, gilt die erstere als die echte. III. wenn sich zwei lesarten nebeneinander finden, von denen die eine den masoretischen text ausdrückt, die andre nur aus einer von ihm abweichenden urschrift erklärt werden kann, so ist die letztere für ursprünglich zu halten.'

will receive an adequate treatment in the near future, so that they too may become links in the long chain of textual criticism.

45. Another problem arising from this work is the identification of such anonymous Hexaplaric readings as belong to Aquila. There can be no doubt that many of these nameless passages belong to either Aquila, Symmachus, or Theodotion, but particularly to the first. Thus Cornill has gleaned for Aquila some readings which are quoted by Field under Ὑλλος,¹¹⁴ and the same may be done in the other books of the Bible. It is certainly not without reason why Ὑλλος coincides with Aquila in many places to the exclusion of the other translators, and peculiarly enough in characteristic words¹¹⁵ and passages; it simply proves that no care was taken in quoting signatures.¹¹⁶ But not only under Ὑλλος are to be found Aquila readings: they are also imbedded in Hexaplaric passages quoted under an asterisk * and *sine nomine*.¹¹⁷ Under a close scrutiny such

¹¹⁴ *Ezekiel*, p. 104 ff.

¹¹⁵ The following is a list of such words: ἀκριβοῦν, ἀνθιμον, ἀντιδικία, γονατίζεῖν, δολιεύεσθαι, ἐναλλάσσειν, ἐπίσχεσις, ἐσπευσμένως, ἐστίασις, ζεστός, μελῶδημα, μονοῦσθαι, ὕφλημα, παρτανυσμός, παρεκτός, σικχαίνειν, σκύλαξ, σκωλοῦσθαι, συσκιασμός, ὑπουργεῖν, ὑφή.—A good illustration is furthermore afforded by a comparison of Field with the larger Cambridge Septuagint with reference to α' and Ὑλλος: Thus Exod. 13. 4 תָּאֲרִיב = τῶν νεαρῶν is quoted under Ὑλλος in F but under α' in BM; likewise תַּיִף = τοῦ οἰφί, *ibid.*, 16. 36 and מִשְׁכָּב = ἀτεκνος, *ibid.*, 23. 26; רִחְמֵי = χωρίσει . . . Lev. 13. 21; מִשְׁכָּב = τοῦ παρτανυσμοῦ, Num. 4. 5; לֹא תִתֵּן = ἐλαίαν σου οὐ στεφανώσεις, Deut. 24. 22 (20). Note also Jer. 10. 10 where Field quotes in the body of the Hexapla a whole sentence under Ὑλλος while the Auctarium credits the same sentence to α', thus justifying Field's note in the body of the book.

¹¹⁶ Comp. above, § 5.

¹¹⁷ It is to be regretted that Hatch-Redpath failed to include such passages in their Concordance, and the work still remains to be done.

readings may often be identified and referred to their originator. With an adequate index this process of identification becomes comparatively easy.

46. There is, moreover, an intimation that the so-called 'Εβραῖος, to whom several readings are referred in the Hexapla, is none other but Aquila, who on account of his close adherence to the Hebrew was probably so styled. To quote but one example in favour of this view: Exod. 29. 22 καὶ τὴν κέρκον is placed under 'Εβρ. in Field, but the larger Cambridge Septuagint puts it under α' on the authority of MS. v. [Compare, however, Gen. 4. 26. The whole subject is now undergoing a detailed examination, in connexion with which Dr. Reider's Index is proving a great help. M.]

47. On the other hand, it is as much of a problem to eliminate from Aquila readings which, though referred to him, cannot belong to him by force of style and diction. Thus many quotations in Klostermann's *Analecta*¹¹⁸ under signature α' hardly belong to him, and hence great caution must be exercised in excerpting them. Furthermore, every reading bearing the generic signature οἱ λοιποὶ is necessarily an eclectic reading containing elements from each one of the Three, and hence should be differentiated from a reading bearing the distinct signature of α' and possibly classed by itself as at least doubtful. There is also sufficient reason to suspect the fourteenth chapter of 3 Kings which Field wisely questions, putting the Aquila signature in parentheses. Of course, there can be no doubt that it contains passages belonging to Aquila, but that the chapter as a whole goes back to Aquila is very doubtful (comp. below, Appendix IV).

48. A further problem of great moment is the identifi-

¹¹⁸ pp. 47-68.

cation of talmudic and midrashic Greek quotations as originating in Aquila's translation of the Bible. Anger,¹¹⁹ Zipser,¹²⁰ Brüll,¹²¹ and Friedmann¹²² have delved into this problem, trying to identify such quotations given expressly under Aquila's name (comp. below, Appendix III). But Zunz, to my mind, was the first to suggest¹²³ that some anonymous Greek quotations in the Midrash may belong to Aquila's version. Recently this question was taken up by Samuel Krauss,¹²⁴ who endeavoured to prove that certain Greek passages in Talmud and Midrash, among them the long passage p. Shab. 8 a containing an anonymous Greek translation of Isa. 3. 18 ff., go back to Aquila's version. As to the thesis itself, there is no doubt that it holds good; from Aquila's popularity among the Jews we expect some renderings of his to have crept into the Talmudim and Midrashim. But the method pursued by Krauss invites criticism; having started out with the idea of finding Aquila renderings in the talmudic literature he goes so far as to ascribe to him words which are foreign to Aquila's vocabulary, as, for inst., *νεανίσκοι* and *ἄφεςις*, his only pretence being that presumably Aquila used them in his *editio secunda*, or that because Symmachus has it Aquila too must have had it. In only one case is he supported by Hexaplaric evidence: *τελαμῶνας* for *שְׁבִיטִים*. The only way to identify talmudic passages as belonging to Aquila would be to examine them in the light of the evidence from all the Greek versions, and by a process of elimination to determine which words actually belong to him because

¹¹⁹ *De Aquila*, p. 13 ff.

¹²⁰ *Ben Chananya*, 1863, pp. 162, 181.

¹²¹ *Ibid.*, pp. 233, 299.

¹²² *Onkelos und Akylas*, p. 44 ff.

¹²³ *Gottesdienstliche Vorträge*, p. 83, note a.

¹²⁴ Steinschneider's *Festschrift*, German division, p. 155 ff.

they could not belong to any other translator. Furthermore, if a passage contains at least one word peculiar to Aquila (and by peculiar I mean words known to belong to Aquila and to no other translator, comp. below, Appendix I), then we may say with some certainty that it belongs to our translator as a whole. Only in pursuing such methods can we hope to glean new material for the fragmentary version of Aquila.

APPENDIX I

AQUILA'S VOCABULARY

AQUILA'S mastery of the Greek language is borne out by the richness and variety of his vocabulary, which is surpassed by no other Greek translator. The following is a list of words peculiar to Aquila which are found in none of the other versions nor in any other Greek author:

ἀγνοηματίζειν, formed from ἀγνόημα (in Theophr. and N. T.) for ἀγνοεῖν ποιεῖν, to express Hebr. hiph. הִנְיִחַ 'to lead astray'.

ἀθωότης, noun formed from ἀθῶος.

αἰνοποιεῖν, composed of αἶνος and ποιεῖν, to express Hebr. hiph. הִנְיִחַ.

ἀκουοῦν, causative of ἀκούειν to express hiph. (Deut. 4. 36 ηκωσεν σε = הִנְיִחַ BM), corresponding to the frequent ἀκουτίζειν and ἀκουστὸν ποιεῖν, likewise in α' for הִנְיִחַ.

ἀλαξοσύνη, corresponding to ἀλαζόνευμα.

ἀλαλεῖσθαι, composite of alpha privative and λαλεῖν.

ἀλαλοῦσθαι, alpha privative and λαλοῦν = λαλεῖν.

ἀλοιφᾶν, verb formed from the noun ἀλοιφή.

ἄλσωμα, corresponding to ἄλσος.

ἄλσών = ἄλσος.

ἀμφιβληστρεύειν, verbal derivative from ἀμφίβληστρον (ἀμφιβάλλειν).

ἀναβολεῖσθαι, a component of ἀνά and βολεῖν = βάλλειν (the pf. pass. used in the Epic dialect, comp. Liddell-Scott's *Lexicon, ad loc.*); comp. also ἀναβόλαιον further below under α' σ'.

ἀπόληγμα, 'skirt or hem of a robe', fr. ἀπολήγειν = leave off, desist, put an end to.

ἀποπετάζειν, ἀπό and πετάζειν = πετανύναι, 'spread out, fly'.

ἀποσκολοπίζειν, 'remove the σκόλοπες or pales, make way', formed from σκολοπίζειν (Dioscorides) like ἀνασκολοπίζειν.

ἀπόσκομμα (Pitra), probably der. fr. ἀποσκέπτομαι, obs. dep. with the meaning of ἀποσκοπεῖν (fut. ἀποσκέψομαι) = ἀποβλέπειν, 'look away from, detest' (Hebr. יִרְשׁוּ = detested thing).

ἀρνητής, der. fr. ἀρνεῖσθαι, used in the same sense as ἀρνησις, 'denial'.

ἀσυνετίξεσθαι, formed from ἀσύνετος, 'void of understanding, stupid' or the act. ἀσυνετεῖν (rare).

ἀτονοῦν, formation in -οῦν corresponding to Hebr. hiph., ἀτονεῖν, 'be relaxed, exhausted' being used for קָל.

αὔχμοῦσθαι, used in the same sense as αὔχμεῖν, 'be squalid, unwashed'.

ἀφᾶσθαι, 'be afflicted with leprosy' (Jer.: ἀφημένον, i. e. *leprosum*, Hebr. נִגַּף; ἀφημένος, Ionic for ἡφημένος, comp. Field, *ad loc.*), ἀφή = wound in ③.

ἀφρονίζειν, 'make foolish', -ίζειν for piel, ἄφρων frequent in α'.

βελτύνειν, make βελτίον, 'good', corresp. to βελτιοῦν (Philo), -ύνειν for hiph.

βίοτευσις, 'living, habitation' fr. βιοτεύειν, 'live'.

βοθυνώτης, 'a ditcher, digger'.

βοράς, 'devourer, locust', *nomen agentis* of βορά = food or gluttony.

βοράτινος, 'of cedar', adj. formed after the Hebr. עֵץ הַלְבָּנוֹן; comp. βύσσινος, καρπάσιος, σαπφείρινος, &c.

βρωματίζειν, denominative of βρῶμα, 'food', -ίζειν for hiph.

βρωστήρ, fr. βιβρώσκειν, 'eat', used for 'moth' as waster and consumer and equivalent in α' to βρωτήρ.

δένδρωμα, used for tamarisk-tree (דֶּנְדְּרֹם), formed fr. δένδρον; likewise

δενδρών, also for דֶּנְדְּרֹם.

διαβηματίζειν, denominative of διάβημα, 'step' (Θ α' Hesych.) for hiph.

διάβλεψις, var. ἀνάβλεψις, 'looking up, seeing'.

διαδηματίζειν, denom. of διάδημα for piel.

δικασμός, used for 'strife, contention', δικασμός = giving judgement (only in Philo).

διάζωνη (ζώνη = girdle), like διάζωμα and, more rarely, διάζωσμα (only Plut. and α'), 'girdle'.

διαπρέπεια, 'adornment, glory', frequent in α', der. from διαπρέπειν.

διάρπασμα, 'plunder', fr. διαρπάζειν, used on a par with διαρπαγή (rare).

διάψευσμα, 'falsehood', fr. διαψεύδειν (pass. in α'), similar to διάψευσις (Stobæus).

διδακτήρ, prob. an instrument that teaches cattle (Hebr. דִּבְרָה דִּבְרָה = ox-goad), literalism; διδακτήριον, 'something apt to teach' in Hippocrates.

δινοποιεῖν, δῖνος and ποιεῖν by composition, 'make or cause rotation'.

διχασμός, fr. διχάζειν, used in the same sense as δίχασις = division, half (Aratus).

δρομοῦν, denom. of δρόμος, 'a running', causal for hiph.

ἐγκότησις, 'hatred', same as ἐγκόστημα in Hesychius.

εἰλίνδησις (accord. to Euseb.), 'a shuddering' (Hebr. תִּיבִּיבָה); but, accord. to Schleusner, *sub verbo*, Athanasius in *Catena*, PP. GG., Tom. II, p. 51, exhibits δελίνησις (Hesych.: κίνησις, περιστροφή).

εἰσπράκτης, 'an exactor', εἰσπράκτωρ in Hesych., from εἰσπράσσειν.

ἐκθάμβησις, used in the same sense as θάμβησις (fr. θαμβεῖν) and meaning 'trepidation, alarm, hurried flight'; ἐκθαμβεῖν in Θ Sirach *et al.*

ἐκλεκτοῦν, fr. ἐκλεκτός = picked out, select, used in pass. only.

ἐκλεκτῶς, adv. fr. ἐκλεκτός, meaning 'purely'.

ἐκλιμῶσσειν, used in the same sense as λιμῶσσειν, 'be famished, hungry'; ἐκλιμία only in Θ ('exceeding hunger') and α' ('faintness, languishing').

ἐκλυσμός (BM), stands for a word meaning 'drawing out' (קָצַח); it is possible of course that it is corrupted from ἐξελκυσμός (only in *Delf. Medic.*), der. fr. ἐξέλκειν, 'draw out'; both ἔλκειν and ἐξέλκειν are used for קָצַח in α'.

ἐκπετασμός, 'spreading out', corresponding to ἐκπέτασις in Plut., der. fr. ἐκπετάννυναι, more frequent πετάννυναι, ἐκ no doubt for preformative 'נ of קָצַח.

ἐκτοκεύειν, same as τοκεύειν = τίκτειν, 'give birth to'.

ἐλεῖσμός, 'supplication for favour or pity', fr. ἐλεεῖν (Att. for ἐλεεῖσμός).

ἐνάλλαγμα, equiv. to ἐναλλαγή, 'an interchange', both used by α' for 'wantonness, caprice', comp. Suidas, *s. v.* ἐναλλαγῆναι: τὸ ἀπὸ φιλίας εἰς φιλίαν ἄλλου μεταπηδῆσαι τινος, ἐχθροῦ ὄντος τὸ πρότερον; comp. also Herwerden, *s. v.* ἐνάλλαξις (= ἐναλλαγή) μηρῶν, *res indecens*.

ἐναλλάκτης, same as above, 'caprice'.

ἐναλλακτικός, used in neut. in the same sense as above.

ἐνασελεγεῖν, 'act licentiously', ἐνασελγαίνειν in Diod., Arist., and, acc. to Schleusner, in the *Onomasticon* of Pollux; more frequent ἀσελγαίνειν and its derivatives.

ἐνδύτης, used in the same sense as ἔνδυμα and ἔνδυσις, 'dress, garment'.

ἐνοπλισμός, der. fr. ἐνοπλίζειν = 'to adapt to, to prepare, to equip' (Lycophron, Θ, α') and meaning 'armature, armour, or armament' like ὄπλον.

ἐξαμυγδαλίζειν, 'make in the form of ἀμυγδάλη = an almond'.

ἐξαμυγδαλοῦν, same as above.

ἐξανάδοσις, 'a breaking out on the skin', ἐξ for preform. 'n of ηἵξεῖς, ἀνάδοσις = 'a growth, a bursting forth', fr. ἀναδιδόσθαι.

ἐξασθενισμός, compounded fr. ἐξ and αἰχμήν (neck), prob. meaning 'stiffneckedness, stubbornness, obstinacy' (Jer. *excervicatio*), though Hebr. קִרְבֵּן for which it stands is generally rendered by 'plunder'.

ἐξορθρίζειν, same as ὀρθρίζειν (in Θ and N. T. for ὀρθρεύειν, 'rise early'), ἐξ for preformative 'n.

ἐξουδενισμός, 'scorn, contempt', fr. ἐξουδενίζειν (Plut.) = ἐξουδενεῖν and ἐξουδενιοῦν in Θ and N. T., 'to set at naught'; more frequently -ωσις, common to all.

ἐπιβλυσμός, 'a mist', fr. ἐπί and βλυσμός (fr. βλύζειν 'to bubble') in Stephan's *Glossaria* for βλύσμα = βλύσις, 'a bubbling up'.

ἐπιγαμβρευτής, 'husband's brother', fr. ἐπιγαμβρεύειν, in Θ and α' 'to take a woman to wife as her husband's next of kin'.

ἐπιδόξότης, 'glory', noun formed fr. ἐπίδοξος, 'of repute, glorious'.

ἐπιπόθημα, 'longing, desire', same as ἐπιπόθησις, fr. ἐπιποθεῖν, 'to yearn after'; πόθημα in Hesych. = πόθος, ποθή, πόθησις.

ἐπίρριψις, fr. ἐπιρρίπτειν, 'cast at'; comp. ῥίψις = a throwing, hurling.

ἐπιρρυτής, 'an afflux, influx'; comp. ἐπίρρυτος, 'flowing', fr. ἐπιρρεῖν.

ἐπιστημοῦν pass., 'to make wise', denomin. of ἐπιστήμη, 'knowledge'; a similar formation is ἐπιστημονίζεσθαι of ἄλλος.

ἐπιτριμμός, 'a crushing', fr. ἐπιτρίβειν, 'to crush'; comp. ἐπίτριμμα, 'anything rubbed on or worn out'.

ἔργασμα (? Pitra), used in the same sense as ἐργασία and ἔργον 'deed'.

ἐρεισμός, same as ἔρεισμα, 'prop, support'; both words used consecutively to imitate a similar variation in form but sameness of meaning in Hebr. (רָצִיבִּי, רָצִיבִּי).

εὐζωνία, 'armament, equipment' (Jer. *accinctio*), der. fr. εὐζωνος, 'well-girded'.

εὐζωνίζειν, 'attack', likewise fr. εὐζωνος.

εὐπρεπεῖν (perh. εὐπρεποῦν), denom. of εὐπρέπεια, 'goodly appearance'.

εὐπρεπίζειν = εὐπρεπεῖν.

εὐωνίζειν, 'to hold cheap', fr. εὐωνία, 'cheapness' (Polyb.); comp. also εὐωνος.

ἐφοδευτής, 'one who goes the rounds, a spy', fr. ἐφοδεύειν.

ἡσυχούσθαι, 'keep quiet', erroneously attributed to Θ by Liddell-Scott: Θ always uses ἡσυχάζειν.

θαμβεύειν, used in the same sense as θαμβεῖν and θαμβαίνειν, 'be astonished'.

θαμβευτής, *nomen agentis*, der. fr. the preceding.

θυρεοῦν (?), 'defend', fr. θυρέος, 'a large oblong shield'.

ἴξος, stands for some bird of prey, possibly a kite, likewise Vulg. *ixion*; but since this word does not occur in any Greek or Roman author (*ἰξός* means mistletoe, Lat. *viscum*) Bochart in his *Hierozoicon*, Part II, Book VI, ch. 3, suggests oxyn with a view to ὀξύς (sharp, keen of sight, and sound) being used in Homer for a bird. However, ἰξος is well preserved and may have received its new meaning from the

fact that it sometimes designates 'the birdlime' (prepared from the mistletoe-berry), comp. Suidas, *s. v.*: $\phi\acute{\omega}$ $\chi\rho\omega\acute{\nu}\tau\alpha\iota$ $\epsilon\iota\varsigma$ $\alpha\gamma\rho\epsilon\upsilon\sigma\iota\nu$ $\pi\tau\eta\nu\omega\acute{\nu}$.

$\kappa\alpha\kappa\acute{o}\phi\rho\omicron\nu\acute{\iota}\zeta\epsilon\iota\nu$, 'to make $\kappa\alpha\kappa\acute{o}\phi\rho\omega\nu$, imprudent, thoughtless', comp. $\kappa\alpha\kappa\acute{o}\phi\rho\omicron\nu\epsilon\acute{\iota}\nu$ = 'be foolish'.

$\kappa\alpha\lambda\acute{\upsilon}\kappa\omega\sigma\iota\varsigma$, 'meadow-saffron or crocus', from $\kappa\acute{\alpha}\lambda\upsilon\chi$ 'cup of a flower', -*σις* no doubt an imitation of the Hebr. fem. ending η ($\eta\text{ךָ}$).

$\kappa\alpha\rho\alpha\delta\omicron\kappa\acute{\iota}\alpha$, 'eager expectation', fr. $\kappa\alpha\rho\alpha\delta\omicron\kappa\epsilon\acute{\iota}\nu$, wrongly attributed to Θ by Liddell-Scott.

$\kappa\alpha\tau\alpha\pi\alpha\tau\acute{\alpha}\kappa\tau\eta\varsigma$ (?), 'an instrument of punishment such as stocks', fr. $\kappa\alpha\tau\alpha\pi\alpha\tau\epsilon\acute{\iota}\nu$, 'trample down'; Field, however, suggests $\kappa\alpha\tau\alpha\pi\eta\kappa\tau\acute{\eta}\nu$ (*scil.* $\theta\acute{\upsilon}\rho\alpha\nu$) = a trap-door.

$\kappa\alpha\tau\alpha\pi\acute{\tau}\upsilon\rho\epsilon\sigma\theta\alpha\iota$, used in the same sense as $\pi\acute{\tau}\upsilon\rho\epsilon\sigma\theta\alpha\iota$, 'be scared or frightened'.

$\kappa\alpha\tau\acute{\alpha}\rho\rho\omicron\iota\alpha$, 'a flowing down' (like $\kappa\alpha\tau\alpha\rho\rho\acute{\eta}$), der. fr. $\kappa\alpha\tau\alpha\rrho\rho\epsilon\acute{\iota}\nu$.

$\kappa\alpha\tau\alpha\sigma\kappa\epsilon\pi\alpha\sigma\tau\acute{o}\varsigma$, 'covered', fr. $\kappa\alpha\tau\alpha\sigma\kappa\epsilon\pi\acute{\alpha}\zeta\epsilon\iota\nu$ (Josephus), comp. $\sigma\kappa\epsilon\pi\alpha\sigma\tau\acute{o}\varsigma$ used in neut. for 'wagon' and in the fem. for 'shed': in our case the fem. stands for 'litter-wagon', for which also $\sigma\kappa\epsilon\pi\alpha\sigma\tau\acute{o}\nu$ and $\sigma\kappa\epsilon\pi\alpha\sigma\tau\acute{\eta}$ are used.

$\kappa\alpha\tau\alpha\sigma\pi\omicron\upsilon\delta\alpha\sigma\mu\acute{o}\varsigma$, 'amazement', fr. $\kappa\alpha\tau\alpha\sigma\pi\omicron\upsilon\delta\acute{\alpha}\zeta\epsilon\sigma\theta\alpha\iota$, 'to be earnest or serious'.

$\kappa\alpha\tau\epsilon\pi\acute{\iota}\theta\epsilon\sigma\iota\varsigma$, same as $\epsilon\pi\acute{\iota}\theta\epsilon\sigma\iota\varsigma$ in ecclesiastical literature, meaning 'imposture, deception', comp. $\epsilon\pi\iota\theta\acute{\epsilon}\tau\eta\varsigma$ = 'an impostor' (Lucianus).

$\kappa\alpha\tau\acute{\epsilon}\rho\gamma\alpha\sigma\mu\alpha$, 'deed', composed of $\kappa\alpha\tau\acute{\alpha}$ and $\epsilon\text{ργασμα}$, *q. v.* *supra*; the ending - $\mu\alpha$ probably in imitation of the Hebr. preformative ע in עָשָׂה .

$\kappa\epsilon\rho\alpha\mu\acute{\upsilon}\lambda\lambda\iota\omicron\nu$, dimin. of $\kappa\epsilon\rho\acute{\alpha}\mu\iota\omicron\nu$, 'earthen vessel or vase', though both are used in α' for the same Hebr. word; recorded in an inscription, comp. Herwerden, *s. v.*, p. 793.

κιγκλιδωτός, 'lattice-work', comp. *κιγκλίδες* (sing. *κιγκλῖς*) = 'latticed gates', fr. *κιγκλίζειν*, 'change constantly'.

κρίωμα = *κρίος*, 'ram'; used for 'battering-ram' in *Mathematici Veteres*.

κρουνισμός, 'pipe, spout', fr. *κρουνίζειν*, 'to discharge liquid in a stream', comp. *κρούνισμα*, 'gush or stream'.

κρυφιαστής, 'a revealer of things hidden, hence interpreter of dreams', similar to ecclesiastical *κρυφιο-γνώστης*.

λαιλαπίζειν, 'to agitate by *λαῖλαψ* = storm'.

λαφυρεῖν, 'spoil, plunder', comp. *ἔλαφυρεύειν*, 'to plunder' in Judith 15.11.

λιθόριον (according to Jer., who renders it *acervum et cumulum lapidum quibus vineae et agri purgari solent*), 'heaps of stones, ruins', formed fr. *λίθος*; var. *λιθολογία*, *q. v. infra*.

μισοποιεῖν, composed of *μίσος* and *ποιεῖν*, 'produce hatred, be inimical to', comp. *μίσος ἐμποιεῖν* (Plato, *Respublica*, 351).

μοναχοῦν, 'make one (*μοναχός*), unite', denom. on -οῦν to express Hebr. piel.

μοχθηροῦσθαι, 'be troublesome (*μοχθηρός*)', alongside with *μοχθεῖν*, 'be weary'.

μοχθοῦν, 'make weary', Hebr. hiph.

μυρεψητήριον, 'ointment-pot', comp. *σ' μυρέψιον* = prepared unguent (*μυρέψημα* and *μυρεψία* elsewhere), -τήριον used for instrument.

μυσάζειν, 'come into blood-guiltiness, become guilty of murder', similar to *μυσάττειν* in Hesych. and *μυσάττεσθαι* (Dep.) elsewhere meaning 'to loathe, abominate'.

μωλωπίζειν, 'to make a *μώλωψ* = a weal or bruise, to beat and bruise severely'; pass. (*μεμωλωπισμένος* = marked with stripes) in Plutarch.

νωχελεύεσθαι, 'to be νωχελής = sluggish, dull', in Pap. Berol., comp. Herwerden, s. v., p. 1003.

ξύλοπεδη, 'a log of wood tied to the feet' (lit. wood fetters, with which the feet of the captives are bound).

οἰάκωσις, 'a guiding, a governing', fr. οἰακίζειν, 'to steer' (Hebr. הַבִּיטָה, fr. הָבַט 'to steer', comp. הַבֵּט 'sailor').

οἰνία, 'fresh or new wine, must', fr. οἶνος, 'wine'.

ὀλιοῦν = ὀλιγοῦν as used by Eustathius for λιποψυχεῖν, 'become feeble, swoon', or ὀλιγοψυχεῖν, 'be faint-hearted'.

ὀπωρισμός, 'wine of the ὀπώρα = the latter part of the summer' (Hebr. שִׁיטָה = new wine, must; comp. also οἰνία above).

ὀραματισμός, 'vision', der. fr. ὀραματίζεσθαι (der. in turn fr. ὀράν) which is peculiar to α' and θ' (see below), while ὀραματιστής (a seer) occurs also in σ'.

ὀρθρισμός, 'a rising early', fr. ὀρθρίζειν = ὀρθρεύειν in Θ and N. T.

ὀρνίζειν (?), 'to chirp', denom. of ὄρνις, 'bird'.

ὀστόινος, equiv. to ὀστέινος, 'made of bone (ὀστέον), hence mighty' (Hebr. עֲצָץ 'mighty' is related to עָצָם 'bone').

ὀχλάζειν, 'be boisterous' (of a crowd, ὄχλος).

παιδιότης, 'childhood', abstr. of παιδίον (dim. of παῖς), 'a young child'.

παιδότης, as preceding; possibly the second ι fell out by mistake.

παλαίστωμα, 'span, hand-breadth', comp. παλαιστή, later form of παλαστή = παλάμη, 'palm of the hand' (also in α').

παμπληθύνειν, 'make numerous', denom. of παμπληθία, 'multitude'.

παντοδαπία, 'abundance of all kinds', fr. παντοδαπός, 'of every kind, of all sorts'.

παπυρέων, 'a place of *πάπυρος*, reeds, rushes', found in an inscription, Herwerden, *s. v.*, p. 1100 f.: *παπυρών* = *παπυρέων*, *locus papyro obsitus*.

παραπληκτέεσθαι, 'to be mad', fr. *παραπληξία*, 'derangement, madness' (in ⑤), and *παράπληκτος*, 'frenzy-stricken'; corresponding to *παραπληκτίζειν* in ecclesiastical Greek.

παρατανυσμός, 'a covering, a screen', fr. *παρατανύειν* = *πατατίνειν*, 'to stretch out', identical with *παρατάνυσμα* in both *α'* and *σ'*, see below.

παρέμβλησις, 'an encampment', like *παρεμβολή* (var. *βιότενσις*, *q. v. supra*).

παστοῦν, 'make a *παστός* = an embroidered curtain beside the bed', hence 'enclose, surround, shelter'.

πεπιστωμένως, 'truly, trustworthily'; *πεπιστευμένως* used by Aristoxenus ap. Stobaei *Florilegium*, comp. also Herwerden, *s. v.*, p. 1146.

περιγώνιον, 'an angular tool, used in fashioning idols', comp. *γωνία* = a joiner's square, and *παραγωνίσκος* (in ⑤) = a carpenter's square, or rule for marking angles.

περικαμπής, 'bent round', fr. *περικαμπή*, 'a bending round', fr. *περικάμπτειν*.

περιφλευσμός, 'violent heat, fever', fr. *περιφλεύειν* (only in Herodotus), 'to scorch, singe all round'; more frequent *περιφλέγειν*, comp. also *περιφλογίζειν* from which *σ'* and *θ'* derive *περιφλογισμός* instead of *α'*'s *περιφλευσμός*.

περιφράκτης, 'he who puts a fence round, who encloses', fr. *περιφράσσειν*.

πικραμμός, 'bitterness', fr. *πικραίνειν*, identical with *πικρασμός* common to all the Greek translators; Schleusner, *ad loc.*, reads here too *πικρασμός*.

ποιμνιοτρόφος, 'herdsman, shepherd', comp. of *ποίμνιον*, 'sheep', and *τροφός*, 'feeder'.

ποταμίζεσθαι, or

ποταμούσθαι, 'flow, stream', denom. of ποταμός, 'river' (in imitation of Hebr. נָחַל and נָחַל).

ποτισμός, 'a watering', fr. ποτίξειν, in Papyri, Herwerden, p. 1212.

ποτιστής, 'one who gives to drink, butler', *nomen agentis* of ποτίζειν.

πρασιούσθαι, 'to form πρασιαί = garden beds', likewise πρασιάζεσθαι (α' and ε'), *q. v. infra* (a play on נָחַל and נָחַל).

πρινεών (so Field and Lagarde, Jer. περιπεδινών, Vallarsi πρινηών), 'an ilex-grove' (Field: *locus ilicibus consitus*), πριών = πρινεών in Hicks, *Manual of Greek Historical Inscriptions*, *nomen loci* of πρίνος, 'an evergreen oak, ilex', comp. παπυρεών above.

προσβόλωσις, 'a pushing, a putting to, application' (with reference to a weapon), followed by στόματα in the sense of a weapon, probably 'a file' (στόματα referring to points, edges, or cuts), comp. προσβολή = that which is put upon a weapon, the iron point (in Dio Cassius and Phrynichus).

προσηλύτευσις, 'residence as a stranger', fr. προσηλύτος and προσηλυτεύειν (in Θ, α', σ', θ', N. T., &c.); προσηλύτισις also in Charitonides, Ποικίλα φιλολογικά, Athenis 1904, comp. Herwerden, p. 1250.

πρόσθλιψις, 'pressure, oppression', fr. προσθλίβειν, 'to press or squeeze against' in Θ.

πτέρνωσις, used in the same sense as πτέρνα, 'heel, footprint', -ωσις probably to imitate the suffix נִי (on the side of ך), since α' is consistent in using πτέρνα and πτέρναι for the forms נָחַל and נָחַל, but πτερνώσεις for נִיבָּנִי.

ρίμός (?), 'he-goat, also young he-goat (רִימָה)'; Montfaucon suggests κερεινών for ρίμων, κερεινός being used by α' for he-goat elsewhere (comp. below), but more likely ρίμων is

a corruption of ἐρίφων (Φ is easily mistaken for M), comp. Jer. 50. 8 where *a'* renders עִרְפָּן by ἔριφος.

ρίξ (ῥ), 'a cutting instrument of iron, a ploughshare'; Scharfenberg suggests ὄρυξ, 'a pickaxe or any sharp iron tool for digging'.

σκανδαλοῦν, 'to cause or make a σκάνδαλον = trap, snare', for σκανδαλίξειν.

σκασμός, 'a limping, stumbling', from σκάζειν, 'to limp'.

σκληροτένων (BM., where σκληροτερον), 'stiff-necked', composed of σκληρός, 'stiff', and τένων, 'sinew of the neck', similarly σκληροτράχηλος in Θ.

σούχινος (in connexion with ξύλον) = Lat. *succinus* or *succinus*, 'of amber', comp. σούχιον = amber in Clemens Alexandrinus.

σπείρωμα, 'a wrapping cloth, a canopy, pavilion', fr. σπειράσθαι, 'to be coiled or folded round', comp. σπείρωσις = σπείραμα in Schol. Arat.

σπίλωμα, 'speck, spot, stain, blemish', fr. σπιλοῦν, 'to stain, soil' (wrongly attributed to Θ in Liddell-Scott).

στερεωματίζειν, 'to effect a στερέωμα = a solid body, the firmament'.

στομίξεισθαι, 'to take with the mouth (στόμα), to drink'.

συγκολάπτειν, 'to hew in pieces', fr. σύν and κολλάπτειν, 'to carve'.

συναντίζειν, 'to meet with', comp. συναντιάζειν = συναντᾶν in Sophocles, συν as prefix corresponds to מִן as prefix (Hebr. מִן־הַיָּם).

συνάντισμα, 'accident', der. fr. the preceding, equivalent to συνάντημα.

συνεπίθεσις, 'deceitfulness', from σύν and ἐπίθεσις, 'imposture, deception' in ecclesiastical Greek (Liddell-Scott translate erroneously 'a joint attack').

συχνών, 'a thicket', comp. συχνός, 'large, frequent, dense', Hesych.: συχνά, πυκνά, συνεχῇ, πολλά, and Suidas: συχνόν, πολύ, πυκνόν.

σφαλμός, 'a trip, stumble, fall', fr. σφάλlein, 'to cause to fall', equiv. to σφάλμα.

τέλεισις, 'completion', like τέλεσμα and τελεσμός, occurs in Herwerden, p. 1438, in the sense of 'payment of a debt'.

τιθινίζεσθαι or τιθίζεσθαι or τιθίζεσθαι, 'to suck', denom. of τιτθός, 'the teat or nipple of a woman's breast'.

τιθινοῦσθαι, 'to suckle, nurse', equiv. to τιθινεῖσθαι.

τιμοῦν, 'to hold dear', so τιμοῦν = τιμᾶν in Herwerden, p. 1456.

τονθρυστής, 'a mutterer', der. fr. τονθρύζειν = τονθορύζειν, 'to speak inarticulately, mutter'.

τριχιώτης, 'hairy creature', comp. τριχωτός, 'hairy'.

τρυπανισμός, 'a boring, piercing', fr. τρυπανίζειν, 'to bore through', in Hesychius.

ὑπερεισχεῖν (? Pitra), 'to be abundant, overflow', perh. r. ὑπερεκχεῖν, *supereffundere*, Herwerden, p. 1508.

ὑπερέπαρσις, 'excessive exaltation', fr. ὑπερεπαίρειν.

ὑπερεπαρτής = ὑπερέπαρσις.

ὑπερφέρεια, 'haughtiness, pride', fr. ὑπερφέρειν, 'rise above, be prominent'.

ὑποσπασμός, 'a drawing away, a remitting', fr. ὑποσπᾶσθαι, 'be withdrawn'.

φαγεδαινίζειν, 'to afflict with φαγέδαινα = a cancerous sore, canker'.

φαγεδαινοῦν = φαγεδαινίζειν, pass. occurs in Hippocrates.

φατνιάζεσθαι, 'to be kept at rack and manger', the form φατνίζεσθαι occurs in Heliodorus, from which the Byzantine φατνιστός is derived.

φαιανστής (?), 'a vinedresser', Field suggests θριαστής, 'a planter of fig-trees'.

χείλωμα, 'a border, rim', fr. χείλος, 'lip, edge'.

χερμαδίζειν, 'to throw stones' (χερμάδιον = later χερμάς, 'a large stone', in Homer).

ψαθυροῦσθαι, 'to crumble away', denom. of ψαθυρός, 'friable, crumbling'.

ψηφίον, 'a small pebble', dim. of ψῆφος, 'a pebble used for reckoning'.

Other rare words peculiar to Aquila and found in no other Greek translator of the Bible are the following:—

ἀγνωμονεῖν, 'to be ἀγνώμων, act unfairly'.

ἀγχόνη, 'a throttling, strangling'.

ἀκρέμων, 'a branch, twig'.

ἀκριβολογία, 'searching, investigation', liter. 'exactness in speech or investigation' (so used in Aristotle's *Rhetoric*).

ἀκριτεῖ = ἀκρίτως, 'without judgement', adv. of ἄκριτος; the parallel form ἀκριτί occurs in a fragment of Lysias.

ἀμύλιον, dim. of ἄμυλος, 'a cake of fine meal' (in Aristotle and Plutarch).

ἀμφορεύς, 'a jar with a narrow neck'.

ἀναβόησις, 'a shouting', fr. ἀναβοᾶν, occurs in Dionysius Halicarnassensis.

ἀνακτίζειν, 'to produce', like κτίζειν, in Strabo, 'to rebuild'.

ἄναλος, 'without salt, unseasoned', in Aristotle.

ἀναπηγνύναι, 'to transfix, crucify'.

ἀναπίνειν, 'suck in, absorb'.

ἀνάπνευσις, 'recovery of breath'.

ἀναρρῆσθαι, 'to draw back, rescue', so also in Hippocrates.

ἀνασκαφή, 'a digging up', in Strabo.

ἀναύξητος = ἀνανξής, 'without increase, fruitless, barren'.

ἀναφυή, 'a sprout, growth', occurs in Cyril of Alexandria in the sense of 'an upspringing', as of suckers from a root.

ἀνεξέταστος, 'not searched out, uninvestigated'.

ἀνόδευτος, 'impassable', so Hedyl. ap. Strabo.

ἀνυπερθεσία, 'immediateness, haste', used also by Joannes Chrysostomus; comp. also ἀνυπερθετεῖν above.

ἀνωφέλεια, 'uselessness', so also Diogenes Laertius.

ἀπόβλεπτος, 'looked on by all'.

ἀποκαρδοκεῖν, 'to expect earnestly', also in Polybius.

ἀποκάτωθεν, 'from beneath', pleonasm for κάτωθεν, but so also Olympiodorus.

ἀποκλεισμός, 'a guard-house', occurs also in Arrianus's Digest of Epictetus's Dissertations; of the same meaning is ἀπόκλεισμα in G.

ἀπόκομμα, 'a splinter'.

ἀποκοπή, 'a cutting off'.

ἀπόρρευσις, 'a falling off, decay', fr. ἀπορρεῖν.

ἀπότμημα, 'anything cut off, a piece', also in Hippocrates.

ἀραιοῦσθαι, 'be weak, languish', in Hippocrates and Aristotle: 'to be rarefied'.

ἀρκετός, 'sufficient, enough'.

ἄρμα, 'load, burden', from αἶρειν, 'to raise, lift up', in Hippocrates: 'that which one takes, hence food'.

ἄρνησις, 'a denial'.

ἄρωματίζειν, 'to spice, embalm', also in Dioscorides.

ἀστατεῖν, 'to be unsettled, be a wanderer', in the same sense in 1 Cor. 4. 11.

ἀτέκνωσις, 'barrenness', fr. ἀτεκνοῦν, also in Basilus Ecclesiasticus.

ἄτονος, 'not stretched', hence 'languid, feeble'.

αὐλιστήριον, 'an abode, inn', also in Stobaeus's *Eclogae* and Hesychius, *s. v.* συνοβαύβαλοι.

αὐξητικός, 'growing'.

αὐτοφυές (neut. of αὐτοφνής = 'self-grown'), 'grain that shoots up of itself'.

αὔχης, 'boasting, exultation', fr. αὐχεῖν, also in Thucydides.

ἄφέλκειν, 'to draw away'.

ἄφετος, 'loose, licentious'.

ἄψίνθιον, 'wormwood, poisonous herb'.

βελτιοῦν, 'make good', used also by Philo, equiv. to βελτύνειν, *q. v.* *supra*.

βούλευμα, 'counsel, purpose, design'.

βρασμός, 'agitation, shaking', fr. βράσσειν.

βροχθίζειν, 'to gulp down', fr. βρόχος, 'mouth', also in Aristotle.

βρωτήρ = βρωστήρ, 'a moth', comp. above.

γάνωσις, 'a brightening, varnishing' in Plutarch, here 'something made of lead or tin', probably 'plummet' (ἤρξ).

γέλασμα, 'laughter'.

γοητικός, 'skilled in witchcraft, beguiling'.

γρόνθος = πυγμή, 'fist', so in Hesychius and other late writers.

γῆρις, 'the finest meal', in Dioscorides and Athenaeus, here 'white flour'.

γύρωσις, 'the making of a γῦρος = circle round a tree', in the *Geoponica*, here 'a reeling, going round', fr. γυροῦν.

δαιμονίζειν, 'to act as demon or evil spirit', only mid. and pass. found elsewhere.

δαμάλης, 'young steer', masc. of δάμαλις.

δευτερόγονος, 'feeble, faint'; δευτερογενής in Antigonus Carystius = produced later (through feebleness).

δηγμός, 'destruction', in Hippocrates and Theophrastus :
'a gnawing pain, a biting'.

διάζωσμα = διάζωμα and διαζώνη (see above), 'girdle,
cornice, frieze', also in Plutarch.

διάπηγμα, 'a cross-beam', occurs also in Philo together
with its dim. διαπηγμάτιον.

διαπλοκή, 'intermixture', so in Hippocrates, comp. also
διάπλοκος in Heliodorus and διαπλόκινος in Strabo, both
meaning 'interwoven'.

διαπόνημα, 'hard labour', as in Plato.

διαπόνησις, 'toil, pain', in Plutarch 'a working at, pre-
paring'.

διάρμα, 'an elevation, fortification', elsewhere used for
'elevation of style'.

διανγάζειν, 'to shine', like διανγίζειν, *q. v. supra*.

διανγής, 'translucent, transparent'.

διευθύνειν, 'to set right', as in Lucianus and Manetho.

διχάζειν, 'to divide in two', as in Plato.

διψαλέον (neut. of διψαλέος), 'parched ground'.

δυσπάθεια, 'deep affliction', as in Plutarch.

δωροδοτεῖν, 'to give a present, bribe', comp. δωροδοκεῖν,
'to accept a present or bribe'.

ἐγγυμνάζειν, 'make ready, prepare', otherwise 'exercise in'.

ἐγκοιμᾶσθαι, 'stretch oneself out, lie down, sleep'.

εἰκαιότης = εἰκαιοσύνη, 'thoughtlessness', as in Diogenes
Laertius.

εἰκασμός, 'measure', elsewhere 'a conjecturing, guessing'.

εἶργμός, 'cage, prison'.

εἰσακοή, 'a listening, hearkening', also in Philo.

εἰσπνέειν, 'to inhale, draw breath'.

εἰσπράσσειν, 'to exact debts', from which α' derives
εἰσπράκτης, see above.

ἐκβιαστής, 'executioner', comp. Suidas, *s. v.*

ἐκβιβασμός, 'an execution', found also in the *Basilica*.

ἐκβιβαστής = ἐκβιαστής, 'executioner', as also in Du Cange's *Glossarium ad scriptores mediae et infimae graecitatis*.

ἐκκοπή, 'a cutting down, excavation'.

ἐκμυζᾶν, 'to squeeze out', as in the *Iliad*, &c.

ἐκνοια, 'loss of one's senses', as in Aristotle.

ἐκπέτασθαι, 'to fly away'.

ἐκπωμα, 'a drinking-cup'.

ἐκυρός, 'a father-in-law', epic for prose πενθερός (in *Iliad*).

ἐκχωννύναι, 'to be filled up by the deposit of a river' (of a bay), so in Herodotus.

ἐλαιώδης, neut. 'curd', in Hippocrates 'oily'.

ἐλασις, 'procession', as in Xenophon.

ἐλαφίνης, 'young deer, fawn', likewise in Hesychius.

ἐλαφρύνεσθαι, 'be light', so in Babrius.

ἐμπρηστής, 'one that burns', in Proclus, in α' 'serpent, dragon' (attended by fire).

ἐναυλίζεσθαι, 'to dwell, abide', so in Herodotus, Thucydides, &c.

ἐνικμος, 'humid', as in Aristotle, comp. also Herwerden, p. 502.

ἐξανεγείρειν, 'to exult', so in Euripides.

ἐξεραῦν, 'to vomit'.

ἐξιλεῖσθαι (?), 'to appease', ἐξιλεοῦσθαι in Strabo.

ἐξίσωσις, 'equalization', fr. ἐξισοῦν, 'to make equal', in Plutarch and also in Böckh's *Corpus Inscriptionum Graecarum*.

ἐξωμος, 'equipped' (Jer. *expeditus, et exsertus humeris*), in Hesychius χιτῶν ἐξωμος, 'a frock or coat of mail without

sleeves, leaving both shoulders bare', more frequent is the noun ἐξωμίς.

ἐπιγώνιον, 'angle', neut. of ἐπιγώνιος, 'at or of the angle', in Nicomachus the arithmetician.

ἐπίδεσις, 'bandaging', fr. ἐπιδεῖν, so also in Hippocrates.

ἐπίδεσμος, the same as ἐπίδεσις.

ἐπίδοσις, 'increase, growth'.

ἐπιθεσία = ἐπίθεις, 'imposture, deception'.

ἐπιπόθησις, 'desire, longing', likewise in N. T. and Clemens Alexandrinus, equiv. to ἐπιπόθημα, *q. v. supra*.

ἐπιπρέπειν, 'to fit, suit', as in Xenophon.

ἐπισκέπτῃς = ἐπίσκοπος, 'guardian, watch', so in Bekker's *Anecdota Graeca*.

ἐπιστροφᾶν, frequentat. of ἐπιστρέφειν, 'to visit or frequent'.

ἐπίτριπτος, 'well worn, crushed, oppressed'.

ἐργαστήριον, 'workshop, manufactory'.

ἐσπευσμένως, 'with eager haste', fr. σπεύδειν, also in Dionysius of Halicarnassus.

ἐταιρεῖσθαι, 'to associate with'.

ἐτερόγλωσσος, 'of another tongue, talking indistinctly'.

εὐκαρπος, 'fruitful'.

ἐφαπτίς, 'a soldier's upper garment'.

ἔχιδνα, 'adder, viper'.

ἐψησις, 'a boiling of ointments, ointment-mixture', as in Hippocrates.

ζωγρεῖον, 'cage' (for fowl), in Strabo 'a place for keeping animals', *vivarium* (Herwerden).

ζώωσις, 'a keeping alive', also found in ecclesiastical literature.

ἡλοῦσθαι, 'become like ἦλος = nails, bristle up', in Clemens Alexandrinus.

θάμβησις, 'trepidation', in Manetho 'astonishment'.

θέναρ, 'the hollow of the hand', so in Aristotle ('palm of the hand').

θλιβώδης, 'oppressive', fr. θλίβειν, also used in ecclesiastical literature (Nilus).

ιά = ἰωή, βοή, 'a cry', classical.

ἰκετικός = ἰκετήριος, 'fit for suppliants', found also in Philo and Eustathius.

ἰσχυροποιεῖν, 'make strong', late combination, found in Diodorus Siculus, Polybius, and Clemens Alexandrinus who also forms a noun from it: ἰσχυροποίησις = βεβαίωσις, comp. Herwerden, p. 720.

ἰσχυρότης, 'strength', in Dionysius of Halicarnassus and Philo.

καγχλάζειν = καχλάζειν, 'to splash, dash' (of water); the same form occurs also in Athenaeus and is quoted by Hesychius, only with a different meaning (= καγχάζειν = καχάζειν).

καθησυχάζειν, 'keep quiet', intensive of ἡσυχάζειν, also in Polybius and Philo.

κακοηθίζεσθαι = κακοηθέεσθαι, 'to be malicious, act as a madman', quoted also from Arrianus's digest of Epicetus's Dissertations.

καλπάζειν, 'to trot, gallop' (of a horse), comp. Suidas s. v.: τὸ ἄβρῶς βαδίζειν, and Herwerden, p. 741.

καμπτός (adj., but used here as noun) = καμπτήρ, 'track, course', so also in Aristophanes and *Etymologicum Magnum*.

κάμψις, 'binding', in Plato and Aristotle 'bending'.

καραδοκεῖν, 'watch eagerly', from which is der. *καραδοκία*, q. v. *supra*.

καρπεύειν, 'have the usufruct of'.

κατάκορος = κατακορής, 'full, dark, saturated' (of colours); comp. Herwerden, p. 763.

καταμέτρησις, 'a measure', from καταμετρέιν, 'to measure out to', found also in Polybius and Sextus Empiricus ('a measuring out').

καταπέτεσθαι, 'settle down' (of a bird).

κατάποσις, 'swallow, gullet', later meaning, being used in Plato and Aristotle for 'deglutition, a gulping down'.

καταφορά, 'a lethargic attack', in this sense only in Hippocrates, also Herwerden, p. 776 (*obdormitio*).

κατούλωσις, 'healing of a wound, cicatrization', fr. κατουλοῦν, occurs only in Dioscorides.

κένωμα, 'emptiness', so in Polybius, Plutarch, &c.

κιρρός, 'tawny, orange-tawny', used in the neut. for 'refined, pure gold'.

κλάνιον, 'bracelet', comp. Hesych. κλάνια, ψέλλια βραχιόνων.

κλόνησις, 'agitation', in Hippocrates and Quintus Smyrnaeus, from κλονεῖν (ecclesiastical κλονίζειν).

κλόνος, 'turmoil, confusion', poetical (in Homer and Aeschylus).

κησιμός = κνήσις, 'an itching', medical (Hippocrates).

κολοβότης πνεύματος, 'shortness of breath' in speaking, so used in Plutarch.

κράββατος, late for Attic σκίμπους, 'a small couch, low bed', frequent in N. T. and later writers.

κρηπίδωμα, 'enclosure, outer court', in Diodorus Siculus 'foundation, groundwork' (written also κληπείδωμα, Herwerden, p. 841), also in Byzantine writers.

κροκύφαντος (subst.) = κεκρύφαλος, 'reticule', so in Galenus.

κρύος = κρυμός πάγος, 'frost', 'hail?'.

λαμπηδών, 'lustre'.

λάρναξ, 'box, coffer'.

λειοῦν, 'to make smooth' (λεῖος), so also in Marcellus Sidetes.

ληκύθιον, 'a small oil-flask', dim. of λήκυθος.

λιθέα (so Diodorus Siculus), λιθία (in Strabo) = λιθεία, 'a fine stone'.

λιθολογείσθαι, 'become a heap of stones, ruins'; elsewhere only the act. is found, meaning 'to pick out stones for building' (Pollux).

λιθολογία, 'a heap of stones, ruins', in Aelius Moeris, ed. Pierson, 53, 'a building with stones'.

λιχάς, 'handful', in Pollux 'the space between the fore-finger (λιχανός) and thumb'.

μακρυσμός, 'a long interval', so in Aristotle.

μασχάλη, 'a hollow', elsewhere 'armpit' (the hollow under the arm), and in Theophrastus 'the hollow under a fresh shoot'.

μελανοδοχείον, 'an ink-stand', as in Pollux.

μέταρσις, 'transplantation, removal', found also in Theophrastus.

μίσθωσις = μίσθωμα, 'price, wages', also used by the orators Isaeus and Demosthenes.

μορφοῦν, 'to sketch', in the same sense also *Anthologia Palatina*.

μόρφωμα, 'form, figure' (used as an idol).

μότῳσις, 'a lint dressing' for a wound, occurs only in Hippocrates alongside with μόντωμα.

μυρίκη, 'a shrub or bush thriving in marshy ground, the tamarisk'.

μυθίζειν, 'mock, sneer', in which sense it occurs already in Theocritus.

μυχθισμός, 'mocking, jeering', in this sense nowhere else.

νακτά (neut. pl. of *νακτός* = close-pressed, solid), 'frontlet-bands, phylacteries', in Hesychius τὰ νακτά, 'felt'.

νεανιότης, 'youthfulness', equiv. to *νεανικότης* in ecclesiastical literature.

νέφωσις, 'cloudiness', also in Philo and Heliodorus, Herwerden (from Philo), p. 990: *nubile coelum*.

νυμφευτής, 'wife's father'.

νωθρεύεσθαι, 'to be sluggish, tarry'.

ξόανον, 'an image, statue', of a god, so in Euripides.

οἰκοδόμημα, 'capital of a pillar', elsewhere 'building, structure'.

όλοτελώς (adv. of *όλοτελής*), 'completely', used by Suidas to explain *όλοσχερώς*.

όμβρεῖν, 'pour out' (of speech).

όξυντήρ, 'a sharpener', so in *Anthologia Palatina*, in Herwerden, p. 1044: *όξυντρον, acuendi instrumentum*.

όρύκτης, 'digger,' hence 'mole'.

όστέωσις, 'framework of bones', as in Eustathius.

όστώδης, 'bony', in Xenophon and Aristotle.

όυλος = *ϊουλος*, 'a corn-sheaf'.

όφρυοῦσθαι, 'to be peaked' (of a mountain), elsewhere 'to be supercilious'.

παγίδευμα, 'net, snare', so also in Eustathius; *παγιδεύειν*, 'entrap' in *Θ*, *α' σ' θ'*, and N. T.

παγκτησία, 'perpetual possession', in Pollux 'entire possession'.

πάμμικτος = *παμμιγής*, 'mixed of all sorts', occurs also in Aeschylus.

παραγραφίς, 'a writing instrument, a stylus', so also in Pollux.

παροδίτης, 'a passer-by, a traveller', so in Hippocrates.

παστάς, 'door-post', elsewhere 'colonnade, piazza, corridor' (Lat. *porticus*).

περαιῆτης, 'a Hebrew', in Josephus 'one of the country over the water, of Peraea'.

περιδιώκειν, 'to pursue on all sides', in Strabo and Sextus Empiricus.

περιστέρης = περιστέριον, dim. of περιστερά, 'pigeon, dove', elsewhere found only in Galenus and Papyri Berolinenses (Herwerden, 1162).

πήρωσις, 'blindness' (Herwerden, 1172: *caecitas*), originally 'mutilation', comp. πήρωσις τῶν ὀφθαλμῶν, τῆς ἀκοῆς in Plutarch.

πιμελής, 'fat', as in Lucian.

πλαδαροῦσθαι, 'become soft and flabby, be loosened', as in Eustathius.

πλατύτης, 'breadth, width'.

πλεονέκτημα, 'gain, profit'.

πληῖσις, 'stroke', so in Timaeus and Plutarch.

πολίχνη, 'a small town', in Callimachus and Plutarch, in earlier writers as a proper name.

πρηστήρ, 'a hurricane'.

πρίνινον (neut. of πρίνινος, made of πρίνος = 'oak'), 'an oak, ilex'.

πριστήρ, 'a saw', so also in Aretaeus.

πρόσκρουσις = πρόσκρουσμα, 'an obstacle, snare', in this sense nowhere else.

προσπλοκή, 'a close embrace', in Artemidorus, used in *a* for 'corselet'.

προσράσσειν, 'to dash against', as in Pausanias.

προσηγνύναι, of the same meaning as the above.

προσφιλία = προσφίλεια, 'kindness'.

πτωματίζειν, 'cause to fall', also in Cyrill.

ρίνόκερως, 'wild ox', of the nose-horn variety (in Hesych. 'Ethiopian bird').

ρίπτάζεσθαι, 'to swoon away', comp. Herwerden, p. 1288.

σεβάζεσθαι, 'to fear', in the *Iliad* and also in later writers.

σιτίζειν, 'fatten', part. used for the 'crop of a bird'.

σκαλεύειν = σκάλλειν, 'search, probe'.

σκάλευσις, 'a search, quest', in this sense nowhere else.

σκελισμός, like σκέλισμα, 'a snare', in ecclesiastical literature, but here it appears to stand for 'worthlessness'.

σκεπαστός, in the fem. and neut. 'a tilted wagon', in the neut. also in Herodianus, the fem. in Eustathius means 'a shed'.

σκευαστής, 'a preparer', only in mediaeval Greek.

σκιρροῦσθαι, 'to become indurated, be ingrained', as in Hippocrates.

σκόπευσις, 'a look-out', quoted also from a scholion to Lycophron.

σκοπευτής = σκοπός, so in Eustathius.

σκοτομηνία, 'darkness', comp. Herwerden, s. v. σκοτόμαινα, p. 1335.

σκοτώδης, 'dark, obscure'.

σκυλευτής, 'one who strips a slain enemy', found in Byzantine literature.

σταγетός, 'a drop', ecclesiastical (Nilus).

στερέμνιος, later form of στερεός, 'stiff, firm'.

στιβάς, 'bed, mattress', here 'row, line', hence Schleusner suggests στιχάδες for στιβάδες.

σιλπνότης = σιλβότης, 'something that shines or glitters' in Plutarch, here used for 'fresh oil'.

στρώτης = στρωτήρ, 'one that spreads', Lat. *strator*, as in Plutarch.

συγκοιτάζεσθαι, 'to have sexual intercourse with', found

only in med. Greek (the act. in Tzetzes, the pass. in Zonaras).

συγχωνεύεσθαι, 'to be melted', only act. found elsewhere.

συγχωνύναι, 'to heap up'.

σύζυγία, 'a union, coupling', like σύζευξις and συζυγή (the latter in Herwerden, p. 1377).

σύζυγος, 'comrade, beloved'.

συμμετρία, 'proportion'.

συμποσιάζειν, 'to drink heavily', also in Heliodorus.

σύμφυλος, 'fellow, relation'.

συναλλαγή, 'intercourse', in *α'* also 'sexual intercourse'.

συναναλαμβάνειν (in Plutarch and Athenaeus), in the mid., 'to take hold of itself'.

συναναπλέκειν (intrans.), 'to be entwined, folded', so also in Eumathius.

συνεκτικός, 'chief, head'.

συνεταιρίζεσθαι, 'to be somebody's companion', the mid. in Photius.

συντομή, 'an edict', in this sense nowhere else.

συστάς, 'cistern, reservoir', so also in Strabo.

συστολή, 'contraction or spasm of the heart'.

σφακτής, 'slayer, murderer', also in Zenobius.

σφοδρότης, 'muchness', elsewhere 'vehemence, violence'.

τείχισμα, 'wall or fortification', in Euripides and Thucydides.

τελείωμα = τελείωσις, 'completion'.

τενοντοκοπεῖν, 'to cut through the neck, behead'.

τενοντοῦν = τενοντοκοπεῖν.

τίτθη, 'a nurse'.

τραγκάνθα, 'a low shrub', so in Theophrastes and Dioscorides.

τράγημα, 'sweetmeats'.

τρήσις, 'orifice', as in Aristotle.

τρισκελής, 'a three-legged instrument'; only the adj. τρισκελής occurs elsewhere.

τρισμός = τριγμός, 'a shrill cry, scream', here 'distress'.

τροχάζειν, 'cause to run'.

τρύξ, 'dregs'.

τρυφερία, 'luxury, daintiness', like τρυφερότης (Rufus Ephesius and α').

ὕδραγώγιον, 'an aqueduct', as in Böckh's *Corpus Inscript. Graec.*, in Strabo ὕδραγωγεῖον.

ὑπέρβασις, 'a passing over', instead of Ὡ's πάσχα and σ's φασέχ.

ὑπερέκχυσις, 'an overflowing', in Heliodorus and Plutarch.

ὑπερεπαίρειν, 'to exalt' (in Appianus), from which α' derives ὑπερέπαρσις, *q. v. supra*.

ὑπερκρίνεσθαι, 'to be judged superior', only here and in Bekker's *Anecdota*.

ὕπochυμα, 'a blinding humour suffused over the eye', in Galenus and Clemens Alexandrinus.

ὕστέρησις, 'a deficiency', used also in N. T., equiv. to ὑστέρημα of Ὡ.

φαγέδαινα, 'confusion, panic' (in this sense nowhere else), from which are derived φαγεδαινίζειν and φαγεδαινοῦν, *q. v. supra*.

φεγγοῦν, 'make bright', from φέγγος, 'light', in Hesychius φέγγειν = φαίνειν.

φόβημα, 'terror', in Sophocles.

φολιδωτός, 'full of scales'.

φρούρημα (poetical), 'that which is watched or guarded', here it seems to stand for a Hebr. word meaning 'a spring' (פְּרִיז).

φρούρησις, 'a watching', in Böckh's *Corp. Inscr. Graec.*, here for a Hebr. word meaning 'a balsam-tree'.

χάρμα, 'a joy, delight'.

χεῦμα, 'that which is poured out' (Lat. *fusio*), poetical, here for 'corn, grain'.

χρεμέτισμα, 'a neighing, whinnying', in *Anthologia Palatina*.

χρεοδοσία, 'the payment of a debt' in Herodianus, here 'the pledge as security for a debt'.

χυδαιούσθαι, 'to be decayed', later in Chrysostom, the act. in Epiphanius.

In studying Aquila's diction it is also important to compare it with that of his contemporaries and compeers, above all with that of Symmachus and Theodotion, and thereby establish a criterion for their mutual vocabulary and what singular words are common to some or all of them. It goes without saying that by standardizing their points of agreement we at once fix also their points of variance, thus enabling us to attribute a doubtful reading to its proper source.

Common to all the three (usually banded together under the general and ill-defined signature οἱ λοιποὶ) are the following:

ἀκροβυστίζειν, 'to regard as uncircumcised' (ἀκρόβυστος), comp. ἀκροβυστεῖν, 'to be uncircumcised' in Θ, fr. ἀκροβυστία.

ἀκρόβυστος, as above, also in ecclesiastical literature.

ἀλίκμητος, 'seasoned with salt', elsewhere 'worn down by the sea'.

ἀμείβειν, 'repay', epic.

ἀναβλύειν, 'gush forth' (of speech).

ἀναβλύζειν = ἀναβλύειν, poetical.

ἀναβλύσσειν = ἀναβλύζειν.

ἀναπνοή, 'breath'.

ἄπορος, 'poor'.

βδέλλιον, 'a fragrant and transparent gum from a plant', occurs also in Dioscorides, comp. also Herwerden, p. 270.

βρόγχος, 'the trachea, windpipe'.

διασταθμίζειν, 'to weigh, to regulate', διασταθμᾶσθαι with the same meaning in Euripides, comp. σταθμᾶσθαι above and σταθμίζειν below (α' and σ'); both forms seem to have been used by α'.

δικασία = δίκη, 'strife, dispute', der. fr. δικάζειν, nowhere else.

δρομάς (*scil.* κάμηλος), 'a running' (camel), hence 'young camel, dromedary'.

ἔκκλισις, 'a turning out of one's course, a deflexion', as in Plutarch.

ἐκλογή, 'a choice'.

ἐκφθείρειν, 'to destroy utterly'.

ἐμβράσσεσθαι, 'rage violently' (of the sea), only the simplex is found elsewhere.

ἐμβρίμησις, 'indignation', for Ὡ's ἐμβρίμημα, both der. fr. ἐμβριμᾶσθαι.

ἐμπρόθεσμον (neut. of ἐμπρόθεσμος, 'within or before the stated time'), 'end'; for an adv., ἐμπροθέσμως, comp. Herwerden, p. 487.

ἐνόχλησις, 'an annoyance', like ὄχλησις.

ἐπανακάμπτειν, 'to come back again', also in Aristotle.

ἐπένδυμα, 'an upper garment' in Plutarch, used here exclusively for the 'ephod'.

ἐπιπόλαιον, 'something on the surface, something floating', neut. of ἐπιπόλαιος.

εὐαρέστησις, 'pleasure', as in Dionysius of Halicarnassus and Clemens of Alexandria (comp. Herwerden, p. 600).

ἡμικόρος, 'a half-κόρος' (a dry measure), ἡμικόριον in Hesychius.

ἰχθυακή = ἰχθυική (in *Θ*, comp. also Herwerden, p. 721) = ἰχθυηρά, 'of fish'.

κάθυγρον (neut. of κάθυγρος, 'very wet'), 'a swamp'.

καταμεγαλύνεσθαι, 'to exalt oneself against', only in ecclesiastical literature.

κέρκιον, dim. of κέρκος, 'tail of a beast'.

κνίς = κνίδη, 'a nettle', also in Oppianus.

κορμός, 'trunk of a tree'.

κοσκίνωμα, 'a grating or lattice-work', 'sieve-work', fr. κόσκινον, suffix -μα probably for a preform. 'ב in Hebr. (כֶּסֶף).

λαϊκός, 'of the people, common', used in ecclesiastical literature.

λαϊκοῦν, 'make common, desecrate', likewise ecclesiastical.

λεπτοκοπεῖν, 'chop fine or small', also in Dioscorides.

μάλη, colloquial form of the following.

μασχάλη, 'armpit, a hollow'.

μελαίνεσθαι, 'become black'.

μεταφυτεύειν, 'to transplant'.

μυζᾶν, 'to suck'.

μυσοῦν, 'to commit an abomination' (μύσος).

δλισθηρός, 'slippery'.

ὄλμος, 'a mortar', as in Hesiod and Herodot.

ὁμαλός in neut. and fem., 'a plain'.

ὀριοθετεῖν, 'to set boundaries' (ὄρια).

παραστάς = φλιά, 'doorpost'.

πελέκανος, 'a water-bird'.

περιαμαρτίζειν, 'offer a sin-offering'.

περινοεῖν, 'consider well'.

περιστεφανοῦν, 'to enwreath, encircle'.

περίφραγμα, 'a place fenced round, an enclosure'.

προσερίξειν, 'to provoke to anger', elsewhere 'to strive with or against'.

προσεριστής, 'rebellion', from the above.

πρωτοτοκία, 'first-birth', fr. πρωτοτόκος, comp. also πρωτοτόκιον with the same meaning in 6.

πτήξις, 'terror', fr. πτήσσειν, cited also from Aristotle.

πυρόν, 'a fire-offering'.

πυρροῦσθαι, 'be red' (πυρρός).

σκορπισμός, 'a scattering', in Byzantine σκόρπισμα, both fr. σκορπίζειν.

στίμμι, Lat. *stimmi* or *stibium*.

στρεβλοκάрдιος, 'perverse of heart', from which the Byzantine στρεβλοκαρδιᾶν.

στρουθοκάμηλος, 'an ostrich'.

συκόμορος, Lat. *sycomorus*, Hebr. *šikmah*.

συμβολοκόπος, 'addicted to feasting', from συμβολοκοπεῖν in 6 α' θ' and Philo, the latter employs also the adj. according to Herwerden, p. 1880: *qui studet coenis*.

συμπλημμελεῖν, 'to sin together with', πλημμελεῖν, 'go wrong, offend', in classical writers.

συνεσφιγμένος, 'closely woven or knit together', an adv. συνεσφιγμένως in Byzantine literature.

σύσφιγκτος, 'laced close together', from συσφίγγειν, in the neut. 'chain'.

τριχιῶν (part. of τριχιᾶν), 'a hairy being, hence satyr, demon', in this sense nowhere else.

ὑποτύφειν, 'kindle with a smouldering fire'.

χλευαστής, 'a mocker, scoffer', in Aristotle, &c.

ψεύσμα, 'fraud', in Plato.

Common to Aquila and Symmachus:—

ἀδημονεῖν, 'to be dismayed', in classical writers.

ἄθροισμός = ἄθροισις, 'a gathering, condensation' in Theophrastus, here 'all at once-ness, moment'.

ἀμεριμνεῖν, 'to be ἀμέριμνος, free from care', in Iamblichus and ecclesiastical literature.

ἀμυρίτης, unintelligible as it stands, but Field suggests ἀμορίτης, from ἀμόρα, in Hesychius: σεμίδαλις ἐφθῇ σὺν μέλιτι, in Athenaeus: μελίτωμα πεπεμμένον; the Hebr. is doubtful.

ἀναβόλαιον (also ἀναβολάδιον), 'a mantle', also ecclesiastical, the fuller form also in Papyri, comp. Herwerden, p. 100.

ἀναζωοῦν, 'to recall to life', equiv. to ἀναζωοποιεῖν, both ecclesiastical.

ἀνασεῖν, 'to threaten with', also Herwerden, p. 116: *minari*.

ἀνασκοιοπίζειν = ἀνασταυροῦν, 'to impale', ἀνεσκοιοπισμένη (*scil.* ὁδός) stands for 'a paved road, highway'.

ἀναταράσσειν, 'excite, confound', as in Plato.

ἀνευδωτος, 'that does not prosper', composed of alpha privative and εὐδωτος, fr. εὐοδοῦν.

ἀνυπαρξία, 'non-existence, nonentity' in Sextus Empiricus, here 'calamity, destruction'.

ἀπόβλητον (neut. of ἀπόβλητος, 'worthless', in ecclesiastical literature 'excommunicated'), 'a foul thing, refuse'.

ἀπόθετος, 'hidden'.

ἄσπλαγχνος, 'merciless' (so in Hesychius in the adv.), from which is derived ἀσπλαχνεῖν, *q. v. infra*.

ἀχλὺς, 'a mist, cloud', poetical.

βεβαιότης, 'firmness, steadfastness'.

βροχωτός, 'in meshes or squares', Lat. *laqueatus*.

βρύχημα = βρυχηθμός and βρυχή, 'a roaring'.

δεκάκις, 'ten-fold'.

διαβαστάζειν, 'to carry over'.

διαψηλαφᾶν, 'to handle something', cited also from Oribasius.

διδυμοτόκος, 'bearing twins', also in Aristotle together with the verb.

δυσαρασεῖσθαι, 'to be ill-pleased', as Dep. in Polybius.

δωροκοπία, 'a bribery', from δωροκοπεῖν in Θ.

ἐγκατάσκευος, doubtful, Jer. renders *pretiosus*, which would seem to favour Schleusner's suggestion to read ἐν κατασκευοῖς, &c., despite Field's opposition.

εἴλημα, 'a veil, wrapper', as in Stobaeus.

ἐκβράσσειν = ἐκβράζειν, 'cast on shore'.

ἐκδοκιμάζειν in the sense of δοκιμάζειν, 'assay or test'.

ἐκπληξις, 'fear, consternation'.

ἐπίπλαστος, 'idol'.

ἐπιφθέγγεσθαι, 'to utter, pronounce'.

ἐποχή, 'check, cessation'.

ζύγιον, late form of ζυγόν.

ἡμέρευσις in the accus., 'by day', a similar formation is ἡμερησίως = καθ' ἡμέραν, *quotidie*, in Herwerden, p. 641.

θηρατής, 'a hunter' (of dogs).

θολοῦν, 'make muddy'.

ἵπτασθαι, late form of πέτεσθαι.

κακουχία, 'wretchedness', as in Polybius.

κάρωσις, 'heaviness in the head, drowsiness' in Hippocrates, here 'reeling'.

κατακόσμησις, 'an adorning', as in Plutarch.

κατάπομα, 'something swallowed', comp. πόμα = πῶμα, 'a drink, a draught'.

κατισχυρεύεσθαι in the part., 'awe-inspiring, terror-striking'.

κερεῖνός = κέραός and κερούχος, 'possessing horns' (κέρας), hence 'he-goat'.

κλάδευσις = κλαδεία, 'a pruning', fr. κλαδεύειν, also in the *Geoponica*.

κλύζειν, 'to dash over' (of water).

κονίεσθαι, 'roll in dust'.

κοσκινίζειν = κοσκινεύειν, 'to sift', as in Dioscorides.

κροκυφάντως in the neut., 'lattice-work', as if from a verb κροκυφαντοῦν, comp. κροκύφαντος 'woven'.

λικμητής = λικνίτης, 'a winnower, scatterer', like λικμητήρ, fr. λικμᾶν; for a fem. form λικμητρὶς comp. Herwerden, p. 891.

μαγῶζος neut., 'chest, treasury', not having the remotest connexion with any Greek root or vocable, and hence considered by some as a transcription from the Hebrew (מֶזְזָה = מֶזְבֵּה) in Hellenistic garb, so Semler, based on Theodoret, *ad loc.*: ἀπὸ τοῦ Ἑβραίου ἐξελληνίζει.

μήνη, 'moon', poetical.

μυρσινεύων, 'myrtle-tree'; comp. μυρσινῆον = μυρσινών, 'a myrtle-grove'.

ὄνάς = ἡ ὄνος, 'she-ass'.

παρατάνυσμα = παρατανυσμός, *q. v. supra*.

περιειλίσθαι = περιείλεσθαι, 'to swathe oneself'.

περιτραχήλιον, 'a neckpiece', also in Plutarch.

πιμελή, 'fat'.

προσκόπησις = προσκοπή, Jer. *inspectio*.

πτισάνη, 'peeled barley'.

σαπρίζειν, 'to make rotten' (σαπρός), the pass. occurs in Hippocrates.

σεῖστρον, 'a rattle' used in worshipping God, described in Plut. as used in the worship of Isis.

σκάλιστρον = σκαλιστήριον = σκαλὶς, 'a hoe', according to Norberg who is supported by Field; Schleusner, however,

considers it a corruption from σκεπαστήριον or σκέπαστρον, 'a veil'.

σκοτασμός, 'the state of darkness', as also in Dioscorides.

σταθμίζειν = σταθμᾶν, 'to weigh', also in Eustathius and Suidas.

στατήρ, used for *shekel*.

σύραξ, 'a gum or resin used for incense', Lat. *storax*.

συνάφεια = συναφή, 'sexual intercourse', as used by Moschio.

σφιγκτήρ, 'a lace, band' in later Greek, here 'plaited work or setting'.

τέλμα, 'mud, mire'.

τρυφητής, 'a voluptuary', as in Diodorus Siculus and Athenaeus.

φαλάκρωσις, 'baldness'.

φολίσ, 'a horny scale'.

Common to Aquila and Theodotion:—

ἀγριοβάλανος, 'a wild βάλανος or acorn'.

ἀκριβαστής, 'a close inquirer', cited in Herwerden, p. 58.

ἀναξάινειν, 'to break open anew'.

ἀνοησία, 'want of understanding', so in Suidas.

ἀσπλαγχνείν, 'to be merciless', denom. of ἄσπλαγχνος.

βαναυσία, 'handicraft', here equiv. to ὑπερηφανία, 'dignity, pride', comp. Schleusner, *ad loc.*

βραχιάριον = βραχιονιστήρ, 'an armlet'.

διασωσμός, 'escape', fr. διασώζειν.

διατορεύειν, 'to engrave', so in Sophocles and Plutarch.

ἐκδικία = ἐκδίκησις, 'an avenging'.

ἐκμύζησις, 'a squeezing out', from ἐκμυζᾶν, also in Dioscorides.

ἐμβόλισμα, 'a patch'.

ἐμπτίσσεσθαι (ἐν and πτίσσειν), 'to peel off'.

ἐνδεσμεῖν = ἐνδεσμεύειν, 'to bind', also in Dioscorides.

ἐπιλύειν, 'to solve, explain'.

εὐσχολία, 'leisure', also in Longus.

ἰάνθινος, 'violet-coloured'.

καρτεροῦν, 'to strengthen'.

λαιλαπώδης, 'stormy', as in Hippocrates, fr. which λαιλαπίζειν, *q. v. supra*.

λυγμός = λύγξ, 'a spasmodic affection of the throat, hiccough'.

μετεωρότης, 'height, loftiness'.

νικοποιός, 'he who causes victories'.

ξύστρωτός (as if from ξυστροῦν), in the neut. 'carved wood or ornament, fluted work'.

δραματίζεσθαι, 'to see', from which α' derives δραματισμός, *q. v. supra*.

παράκλητος, 'a comforter', as in N. T. and ecclesiastical literature.

πενθεινός, 'mournful', fr. πενθεῖν.

περίστρωμα, 'a coverlet', fr. the following.

περιστρωννύναι = περιστορεννύναι, 'to spread all round'.

πλάστης, 'a creator', as in Philo and ecclesiastical literature.

πλέγμα, 'plait, chaplet'.

σκαμβοῦσθαι, 'be twisted', the act. in Athanasius.

στενοῦσθαι, 'become narrow'.

στήλωμα = στήλη, 'a pillar', -μα due perhaps to pref. 'n in Hebrew.

στρεβλοτής, 'crookedness', also in Plutarch.

συμπεριπλέκειν (ἐν ἀγάπαις), 'have sexual intercourse', so used also in ecclesiastical literature.

φθογγή, poetical form of φθόγγος, 'sound, voice'.

Common to Aquila and Quinta:—

ἀποκλᾶν, 'to cleave'.

γεννηματίζειν, 'cause to grow, produce'.

πρασιάζεσθαι, for which comp. *πρασιοῦσθαι* above.

Common to Aquila and Sexta:—

μεγεθύνειν = *μεγαλύνειν*, 'make great'.

παραδοκᾶν (?), probably *παραδοκεῖν* = *καταδοκεῖν*, 'to watch eagerly'.

πτηνός in the neut., 'a winged being or substance'.

σκιρτοῦν, 'cause to leap or bound', same as ὧ σκιρτοποιεῖν.

APPENDIX II

AQUILA REMAINS IN SYRIAC AND LATIN

ASIDE from the original Greek renderings of Aquila discussed in this treatise there is a great number of such readings in Syriac translation on the margin of the Syro-Hexapla.¹²⁵ Field, in his compilation of the Hexapla, incorporated all these Syriac passages in the notes, while giving in the text (in small type) a Greek re-translation based on the style of the translator.¹²⁶ In like manner, some Aquila readings are found only in Latin translation, in Jerome's elaborate expositions of the Scriptures, especially of the Prophets, where the Church Father, contrary to his highly commendable custom to quote threefold,¹²⁷ thought it sufficient to give a Latin translation only. In Field's

¹²⁵ The Syro-Hexapla is the Syriac translation of the Septuagint made by Paul of Tella about 616 c. e. from a copy of Origen's Hexapla (viz. its fifth column), and hence including also the asterisked and obelized passages with their respective signatures of α' σ' θ' &c. This important codex, which was still intact in the days of Andreas Masius, as may be gathered from his work on Joshua (*Iosuae imperatoris historia illustrata atq. explicata*. Antwerpiae, 1574), is now extant only for the Hagiographa and Prophets in the Ambrosian Codex published photolithographically by Ceriani in 1874 as vol. VII of his *Monumenta Sacra et Profana*. Other fragments, scattered in various minor manuscripts in London and Paris and covering portions of the Historical Books, have been collected and edited by Lagarde in the first part of his *Bibliotheca Syriaca* (*Veteris Testamenti Graeci in sermonem Syriacum versi fragmenta octo*. Gottingae, 1892).

¹²⁶ On this important work of Field comp. his *Otium Norvicense sive tentamen de reliquiis Aquilae, Symmachi, Theodotionis e lingua Syriaca in Graecam convertendis*. Oxonii, 1864.

¹²⁷ The Hebrew in transliteration, the original Greek of the various versions, and a Latin translation. Examples are profuse in Field's notes.

Hexapla these Latin quotations occupy a place in the text, and are supplemented by remarks in the notes.

An examination of these Syriac and Latin remains bears out the truth of the results arrived at in our previous discussion. They serve to confirm the extreme literalness in both grammatical and lexical matters which we found to be the chief feature of our translator. They add little to an appreciation of Aquila's manner of translation. On the other hand, they are important and quite valuable for an estimation of his manner of interpretation as exemplifying the general trend of Jewish exegesis and for a knowledge of the condition of the Hebrew text in his days. In the following, therefore, attention is paid only to points of text and exegesis.

Gen. 38. 5 וְהָיָה בְּכוֹיֵב בְּלֶרְתָּהּ אֹתוֹ *et factum est ut mentiretur in partu, postquam genuit eum*; der. from כּוֹיֵב despite טוֹ in Xασβί and Jewish tradition, which construes it as the name of a place. Comp., however, Rashi *ad loc.*: ואומר אני על שם שבסקה מלרת נקרא כּוֹיֵב לְשׁוֹן הִיוּ תַּחֲתָיו כְּמוֹ אֲבוֹב.

Exod. 13. 16 וְלָטֹטְפַת סִימָנֶיךָ, perhaps der. from טַפַּף 'to trip, move quickly' in Isa. 3. 16; but Field prefers another reading from cod. X καὶ εἰς ρακτά, claiming that α' der. it from the talmudic טַפַּף 'heap up, make dense'.

Ibid., 28. 6 *et al.* וְשִׁנִּיתָ שְׁנֵי, der. from שִׁנָּה 'to change', as pointed out in § 30.

Lev. 5. 2 אִם נִפְשׁ אִשָּׁר תִּזְעַ בְּכָל-דָּבָר טָמֵא . . . *qui conspurcaverit se verbo aliquo inquinato* (quoted by Field from Procopius), free and literal at the same time, but probably based on some Midrash to the effect that one is defiled not only by touching unclean things but even by pronouncing bad words.

Num. 11. 8 וְהָיָה כִּי יִשְׁמַע יְהוָה בְּקוֹלֵךְ וְיִשְׁמַע יְהוָה בְּקוֹלֵךְ וְיִשְׁמַע יְהוָה בְּקוֹלֵךְ;

לִשְׁד is der. from לִישׁ 'knead', comp. שֶׁחַמֵּה and דְּלִישׁ; Rashi suggests notarikon: לִשְׁד = לִישׁ שֶׁמֶן דָּבַשׁ = לִשְׁד. But Greek sources credit *a'* with τοῦ μᾶστοῦ ἐλαίου, in agreement with the Rabbis who construe it as שֶׁד 'breast'.

Ibid., 21. 19 נִחְלִיאל is translated نَحْلَال, hence נִחְלִי, so نَحْلَال, while ט transliterates.

Ibid., 24. 22 מִי אִם־יִהְיֶה לְבָעַר קֵן עֲדֻמָּה אֲשׁוּר תִּשְׁבֹּךְ מִי—(the caesura being advanced to מִי and this construed as מִי. [Field correctly identifies מִי אִם־יִהְיֶה with ἔως τίνος; but it is clear that *a'* intended ἔως τίνος = עֲדֻמָּה. M.]

Deut. 25. 18 וְיָמֹת הַנֶּחֱלָשִׁים, labore, dolore, molestia affectus (Masius in *Peculium Syrorum*), hence construed as הַנֶּחֱלָשִׁים with the versions and Jewish commentators.

Ibid., 32. 24 מוֹי רָעַב וְלֶחֱמֵי רֶשֶׁף וְקִטָּב מִרִירֵי destructi fame et comesti ab ave et a morsibus amaritudinis, very much like ט נִפְיִי כָפַן וְאִכְלִי עוֹף וּבְתִישִׁי רוּחִין בִּישוּן, only that מוֹי was construed as מִיִּי (so ט ו). As to רֶשֶׁף avis (bird, augury) comp. b. Ber. 5a וְאִין רֶשֶׁף אֵלֶּא מוֹיִקִּין, and Jewish commentators who adduce Job 5. 7 וּבְגִי־רֶשֶׁף יִנְבִּיחוּ עוֹף, being misled by the figurative עוֹף. The versions too appear to have guessed in Job (*a'* reads ὑποὶ πτερῶν) and applied the same meaning to the passage in Deut. [See *ATSL.*, XXIV (1907), 81. M.]

Ibid., ver. 26 אֶמְרָתִי אֶפְאַיֶּהם . . . et ubi sunt (according to Masius), implying אֶפְ אֵי הֶם (and not אֶפְ אֵיֶהם as Masius supposes), comp. Sifre *ad loc.*: אֶמְרָתִי בְּאִפֵּי אֵיֶה הֶם; likewise ו; in the same sense ט וחול רוגזי עליהם ואשיצינן, comp. Rashi, who claims that this is based on Sifre: אֶמְרָתִי בְּאִפֵּי אֶתְנֶם כְּאִילוֹ הֶם אֵינֶם שִׂיאֵמְרוּ רֹאִיֶהֶם עֲלֵיהֶם אֵיֶה הֶם.

Judges 8. 13 מִלְמַעְלָה הֶחָרָם . . . saltuum (Jer. in *Euseb. Onomast.*, p. 59), hence הֶחָרָשׁ, comp. 1 Kings 23. 18, where חֶרֶשׁ = δρυμός.

Job 11. 9 וְחָבַל אֶת־מַעְרֵץ מִדָּהּ, וְחָבַל אֶת־רֶגֶל מִדָּהּ; it hardly sounds like *a'*, and the ascription may be wrong; but whoever the translator, he probably read *הַרְקִיעַ הַמִּדָּה*. [Rather *הַרְקִיעַ* interrogative. M.]

Ibid., 14. 12 וְלֹא נִשְׁמַע מִמֶּנִּי עַד־בִּלְתִּי שָׁמִים לֹא יִקְיָצוּ, hence *a'* read בִּלְתִּי with *σ' θ' Ψ*.

Ibid., 16. 8 וְתִקְמָטִי לְעֵד הָיָה סִמְכָהּ בְּלִסְתִּי, and Field in his note suggests that *a'* read לְעֵד (סִמְכָהּ = *εἰσέτι*).

Ibid., 19. 13 אֲחִי מַעְלֵי הַרְחִיק, the Syriac has וְנִשְׁמַע, hence *a'* may have read הַרְחִיקוּ with *σ' θ' Ψ*. [But ἀπέστησαν is intransitive. M.]

Ibid., 24. 18, 19 וְלֹא נִשְׁמַע לֹא יִפְנֶה דְרֶגֶת בְּרָמִים: צִיָּה גַם־הֵם יִגְלוּ; בִּלְתִּי לֹא מִלְּפָנֶיךָ וְנִשְׁמַע לֹא מִלְּפָנֶיךָ; מִלְּפָנֶיךָ צִיָּה is apparently construed as an adj. modifying דְרֶגֶת and thus receives the pausal accent. The same division seems to underlie the renderings of *σ'* and *θ'*.

Ibid., 28. 4 וְחָבַל אֶת־הַיָּם בְּרִין נָחַל מַעַם יָר, implying יָר, so *σ' θ' korla*.

Ibid., ver. 6 וְעִפְרָת זָהָב לֹא יִשְׁמַע, hence עִפְרָת with *σ'*.

Ibid., 36. 33 וְחָבַל מִן־הַיָּם חֲבִצָהּ מִקְנֶה אֶף עַל עֹלָהּ, implying עֹלָהּ with *σ' θ' Ψ*.

Ibid., 37. 11 וְחָבַל מִן־הַיָּם חֲבִצָהּ אֶף־יָרִי יִטְרִיחַ עַב, construed as יָר 'pure', so also *τ* and *θ'*.

Ibid., ver. 21 *et al.* שִׁחָקִים נִבְחָל, 'inclination, esp. fall of the scale'; likewise Job 37. 18 and Prov. 8. 28 where *ροπάλ* is the equivalent. This rendering is probably based on the phrase in Isa. 40. 15 וְיִשְׁחַק מֵאֲזִנִּים which *σ* translates *ὡς ῥοπὴ ζυγῶς* and which must have been rendered in the same way by our translator, comp. *σ* *quasi momentum staterae*, *τ* עֵין מִיִּזָּן, *σ* נִבְחָל, *σ* בְּעִיּוֹל מִזָּנָא, Saadya עֵין מִיִּזָּן (comp.

Munk, *Notice sur Rabbi Saadya Gaon*, p. 28 note, and *Amānāt*, p. 233). The application of this meaning to all the passages where the word שחק occurs serves to illustrate once more Aquila's bend for uniformity in translation, comp. above, § 13.

Ibid., 38. 9 וְעָרְפֶּל חֲחֵלְתָּו וְשָׁחַ מִן־מַחְסָלֵי אֱלֹהִים. Middeldorf (*apud* Field, note) suggests that א' read חֲחֵלְתָּו 'mockery, deceit', comp. חֲחֵלִים 17. 2; but it is also possible that it represents a free rendering: wrapping implies deceit, error, misleading.

Ibid., ver. 32 וְעִישׁ עַל־בְּנֵיהֶם תִּנְחַם כֹּהֵן וְשָׁחַ מִן־מַחְסָלֵי אֱלֹהִים, similarly Jer. *et vesperum super aedificationem eius induces*, both deriving בניה from בנה 'to build'. [Hence בְּנִיה (= בְּנִייתָה) or simply בְּנִיה. M.]

Ibid., ver. 37 וְנִבְלֵי שְׁמֵימִים מִי יִשְׁכְּבִיב וְשָׁחַ מִן־מַחְסָלֵי אֱלֹהִים, נבל being confused with מְבֹל 'flood'.

Ibid., ver. 38 וְרִנְיָם יִדְבְּקוּ אֶת־הַיָּדָם וְשָׁחַ מִן־מַחְסָלֵי אֱלֹהִים, to which there is a gloss אֶת־הַיָּדָם אֶת־הַיָּדָם. מֵאֵלָּה וְשָׁחַ מִן־מַחְסָלֵי אֱלֹהִים; going back, as ably stated by Field in his note, to Homer's χερμάδες 'large pebbles or stones', so called because they fill up the hand of the holder. As to Aquila's use of Homerisms comp. Field's *Hexapla*, p. xxiii f.

Ibid., 39. 13 וְנִתְעַלְסָה אֶת־הָאֶבֶרָה חֲסִידָה וְנִתְעַלְסָה אֶת־הָאֶבֶרָה חֲסִידָה וְנִתְעַלְסָה אֶת־הָאֶבֶרָה חֲסִידָה... or as recorded in Greek in the Auctarium περὺ γιον αἰνούντων συναναπλέκεται...; similarly Jer. *Penna struthionum mixta est alis herodionis et accipitris*. Did א' read נבלתה עם, deriving it from נבלל [But comp. Prov. 7. 18 וְנִתְעַלְסָה א' θ' συμπεριπλακῶμεν. M.]

Ps. 2. 2 וְלֹאן רוֹמִים חֲסִידָה, Latin *filiī mysteriī*, der. from Aram. רוֹ 'secret', and having no parallel in the other versions. Comp. b. Synh. 42 a where רוֹמִים of Prov. 31. 4 is explained as העוסקים ברוו של עולם. Furthermore, רוֹ לי

Isa. 24. 16 is rendered likewise by $\sigma' \theta' \tau \upsilon$ and the Talmud, comp. b. Synh. 94 a.

Ibid., 5. 1 אֶל־הַנְּחִילוֹת לְמִנְצֵחַ פָּקַדְתִּי מִן הַנְּחִילוֹת, reading הַנְּחִילוֹת and deriving it from נָחַל 'inherit', so σ' , הַנְּחִילוֹת, Jer. *pro hereditatibus*, and Midrash Tehillim, ed. Buber, p. 50 ff.

Ibid., 9. 26 (10. 5) אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת, comp. furthermore 26 (27). 12 אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת, καὶ ἐξέφθην ἢ ἀνέκυα; from which it appears that a' confused the roots יפח, יפע, and פוח in the true Menahem fashion.

Ibid., 9. 29 (10. 8) אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת, implying לְחַלֵּךְ = לְחַלֵּץ, so also Rashi who mentions the fact that this word is included in the Masorah of twenty-five words written with פָּקַד instead of פָּקַד.

Ibid., 15 (16). 4 אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת, which probably goes back to אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת (and not, as Field suggests, אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת *affixerunt*).

Ibid., 16 (17). 3 אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת, reading יִפְתָּח and transposing the accent with פָּקַד $\sigma' \theta' \tau \upsilon$.

Ibid., 36 (37). 35 אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת, which is rendered by Jerome *et fortissimum sicut indigenam vircentem*, so also פָּקַדְתִּי מִן הַנְּחִילוֹת; was it derived from עיר 'rouse oneself, awake'? [Or ?ומחערין M.]

Ibid., 38 (39). 12 אֶל־עֲזָרָתוֹ יִפְתָּח בָּהֶם פָּקַדְתִּי מִן הַנְּחִילוֹת, implying וְהִשְׁעִם.

פָּקַד in the same verse is rendered חֲסִידָה which Field translates *cantilena* or 'refrain'; it occurs five more times with the same rendering: 43 (44). 9; 49 (50). 6; 56 (57). 4; 83 (84). 9; 84 (85). 3. Of these six cases, two have the signature $a' \epsilon'$, while the other four are credited to a' alone. However, taking all the cases of this singular word into consideration, a doubt suggests itself as to the

Ibid., ver. 31 **וְהָאֵלָּהִים בְּרָצִי-בָּקָר**, Jer. *rotas argenteas*, hence der. from **רָצִי** and reading **רָצִי**.

Ibid., 68 (69). 16 **וְאֵל-תְּאֵטֶר-עָלַי בָּאֵר פִּיָּה** . . . **סֵלָּא לִמְחָ**, Jer. *neque coronet super me puteus os suum*, implying **תְּעִטֶּר** or **תְּעִטֶּר**.

Ibid., 72 (73). 21 **וְכִלְיוֹתַי אֶשְׁתַּחֲוֶה** is rendered twice by *a'*, once **וְכִלְיוֹתַי אֶשְׁתַּחֲוֶה**, and then **וְכִלְיוֹתַי אֶשְׁתַּחֲוֶה** . . . The former is der. from **שָׁחַ**, so commentaries and lexica, the latter assumes **אֶשְׁתַּחֲוֶה** (talmudic **תָּנַח** = to smoke), so Jer. *lumbi mei velut ignis fumigans*, and **בְּעֵרֵן כֹּאֶשׁ**.

Ibid., 77 (78). 41 **וְהָיָה הַיָּמִים**, *transire fecerunt*, implying perhaps **הִתְעַיֵּר**.

Ibid., ver. 51 **וְהָיָה רָאשִׁית אוֹנִים**, **וְהָיָה רָאשִׁית אוֹנִים**, der. from **אֵוֶן** 'trouble, sorrow' in opposition to the other versions which take it as **אֵוֶן** 'vigour, wealth'.

Ibid., 88 (89). 48 **וְזָכַרְתִּי מִהַחֲלֹל**, **וְזָכַרְתִּי מִהַחֲלֹל**, Jer. *memento mei de profundo*, assuming **וְזָכַרְתִּי מִהַחֲלֹל**, the latter supported also by **וְזָכַרְתִּי מִהַחֲלֹל**.

Ibid., 109 (110). 6 **א' ש' מְלֵא מְלֵא מְלֵא** . . . Jer. *implevit valles*, hence **מְלֵא מְלֵא מְלֵא**.

Ibid., 118 (119). 70 **וְהָיָה עַמִּי תִרְחֹק וְשָׁעֲשָׁעִי**, **וְהָיָה עַמִּי תִרְחֹק וְשָׁעֲשָׁעִי**, impl. **וְהָיָה עַמִּי תִרְחֹק וְשָׁעֲשָׁעִי** or, assuming **וְהָיָה עַמִּי תִרְחֹק וְשָׁעֲשָׁעִי** to have fallen out, **וְהָיָה עַמִּי תִרְחֹק וְשָׁעֲשָׁעִי**, comp. ver. 92 where this word is so rendered by the two, comp. also **וְהָיָה עַמִּי תִרְחֹק וְשָׁעֲשָׁעִי** in both places.

Ibid., 137 (138). 3 **וְהָיָה לְפָנַי תִּרְחֹבֵנִי**, Jer. *dilatabis*, hence **וְהָיָה לְפָנַי תִּרְחֹבֵנִי**, **וְהָיָה לְפָנַי תִּרְחֹבֵנִי**.

Ibid., 143 (144). 2 **וְהָיָה חֲסִידֵי עַמִּי תִרְחֹבֵנִי**, **וְהָיָה חֲסִידֵי עַמִּי תִרְחֹבֵנִי**, hence **וְהָיָה חֲסִידֵי עַמִּי תִרְחֹבֵנִי** with Jer. **וְהָיָה חֲסִידֵי עַמִּי תִרְחֹבֵנִי**.

Ibid., ver. 13 **וְהָיָה מִן הָאֵל לְפָנַי**, **וְהָיָה מִן הָאֵל לְפָנַי**, so **וְהָיָה מִן הָאֵל לְפָנַי** *ἐκ τούτου εἰς τούτο*, also Jer. **וְהָיָה מִן הָאֵל לְפָנַי** and probably **וְהָיָה מִן הָאֵל לְפָנַי**, assuming Aram. **וְהָיָה מִן הָאֵל לְפָנַי** (comp. Cook, *Glossary of Aramaic Inscriptions*, p. 49).

Prov. 8. 23 מְעוֹלָם מְעוֹלָם נִפְתָּחִי . . . , hence נִפְתָּחִי with ט ט ט ט.

Eccles. 4. 17 מִתַּח הַקְּסִילִים זָבַח א' θ' זָכַל וּמִלָּה זָכַל, Jer. *donum enim insipientium sacrificium*, implying מִתַּח.

Ibid., 8. 10 וַיִּשְׁתַּבַּח וַיִּשְׁתַּבַּח כְּעִיר וַיִּשְׁתַּבַּח, reading וַיִּשְׁתַּבַּח, so σ' θ' ט ט.

Isa. 3. 24 פְּתִינִיל *cingulum exsultationis*, breaking up into גִּיל פְּתִי (פְּתִי from פָּתַח 'be spacious, wide', hence girdle or belt) or פְּתִיל גִּיל, comp. Rashi כְּלִי גִיל פְּתִי וְהוּא כִשְׁתֵּי תִיבּוֹ פְּתִי כְּלִי גִיל, further, Gesenius, *Thesaurus*, p. 1137, who explains it as גִּיל פְּתִי *vestis variegata eaque festiva* (buntes Feyerkleid); *fascia pectoralis* of ט also assumes a division into גִּיל פְּתִיל or גִּיל associated with גִּלל.

Ibid., 14. 4 מִרְעֵבָה *famem*, implying מִרְעֵבָה; it is interesting to note that ט ט and perhaps also ט read מִרְעֵבָה.

Ibid., ver. 12 בֶּן־שֹׁשֶׁר הַיָּלֵל *ululantem aurorae filium*, der. from ילל, so ט.

Ibid., 17. 9 הַתֶּשֶׁת וְהָאֵמִיר *testam et Emir*, impl. הַתֶּשֶׁת.

Ibid., ver. 11 וְכָאֵב אָנוּשׁ א' θ' *et dolebit homo*, assuming וְכָאֵב, the former also in ט, the latter also in ט.

Ibid., 18. 1 אֶרֶץ צֶלֶל כְּנָפִים . . . *umbram umbram alarum*, hence צֶל צֶל, so ט and probably ט, Saadya, Ibn Ġanah, Rashi, and Kimḥi.

Ibid., 29. 1 סָפַד שָׁנָה עַל־שָׁנָה, according to Jer. א' translated *subtractus est*, deriving probably from סָפַח 'snatch away'.

Jer. 2. 12 וַיִּשְׁעֲרוּ וַיִּשְׁעֲרוּ וַיִּשְׁעֲרוּ, reading וַיִּשְׁעֲרוּ.

Ibid., 5. 23 סוֹרֵר וּמוֹרָה א' σ' סוֹרֵר וּמוֹרָה, der. from מוֹר 'be bitter'.

Ibid., 13. 25 מִנְת־מִדּוֹן מִנְת־מִדּוֹן וַיִּחַם מִנְת־מִדּוֹן, reading perhaps מִנְת־מִדּוֹן with ט.

Ibid., 18. 14 וַיִּשְׁעֲרוּ מִנְת־מִדּוֹן מִנְת־מִדּוֹן וַיִּשְׁעֲרוּ מִנְת־מִדּוֹן; though the order is confused it

is evident that *a'* read שְׂדֵי, deriving it, as usual, from דִּי 'sufficient'.

Ibid., 21. 13 יִשְׁבֶּת הָעֵמֶק צוֹר הַמִּישֹׁר: to הָעֵמֶק the margin of the Syro-Hex. has חֲמַל, but more likely this reading refers to יִשְׁבֶּת which was read יִפְשֶׁת and construed as a parallel to צוֹר.

Ibid., 22. 22 רָעוּף מַחֲלֵי וְחֲמַל, reading רָעוּף.

Ibid., 30 (37). 3 וְהִשְׁבֵּתִים סוֹלֵס . . . וְהִשְׁבֵּתִים, Jer. *et convertam eos, sive sedere faciam*.

Ibid., 32 (39). 12 הָעֵרִים הַכְּתוּבִים וְחֲמַל, Jer. *qui erant scripti*, assuming הַכְּתוּבִים with *a'* ט ט.

Ibid., 50 (27). 27 פֶּלֶן חֲרָבוֹ כְּלִפְרִיָּה יִרְדּוּ לִפְנֵי מַחֲלֵי, implying פְּרִיָּה יִרְדּוּ, the former also in ט. [מַחֲלֵי, despite Field, is perfect; hence יִרְדּוּ; ס (kat) free addition. M.]

Ibid., 51 (28). 2 וְיִבְקְקִי אֶת־אֲרָצָהּ מַחֲלֵי, confused with וְיִבְקְקִי אֶת־אֲרָצָהּ Hos. 10. 1 (luxuriant vine) despite the context.

Ibid., ver. 38 מַחֲלֵי לְמִי חֲמַל. יִחַדּוּ בְּכַפְּרִים יִשְׁאֲנוּ נִעְרוֹ, implying יִחַדּוּ בְּכַפְּרִים יִשְׁאֲנוּ נִעְרוֹ, חֲמַל מַחֲלֵי וְחֲמַל.

Lam. 1. 7 מַחֲלֵי מִשְׁפָּתָהּ יִשֵּׁב, der. from יִשֵּׁב 'sit', so ט.

Ibid., 3. 45 מַחֲלֵי מַחֲלֵי סְהִי וּמֵאוֹס, confused with שִׁיחַ 'speak'.

Ibid., ver. 47 מַחֲלֵי מַחֲלֵי מַחֲלֵי הַשָּׂאֵת וְהַשָּׂר, reading מַחֲלֵי מַחֲלֵי מַחֲלֵי, der. from הַשָּׂאֵת 'lift', so also ט ט.

Ezek. 5. 7 יְעַן הַמְּנִיחִם מִן־הַגּוֹיִם *co quod numerati estis in gentibus* (quoted by Jer. from *a'*'s second edit.), reading הַמְּנִיחִם (from מְנָה 'count') with ט.

Hos. 1. 6 נִשְׁכַּח לֵב חֲסִי נִשְׁכַּח לֵב חֲסִי, Jer. *oblivione obliviscar eorum*, reading נִשְׁכַּח לֵב חֲסִי (נִשְׁכַּח = forget).

Ibid., 3. 2 וְאֶפְרָה סַבֵּל וְאֶפְרָה 2, Jer. *et fodi eam*, der. from פָּרָה 'dig'.

Ibid., 4. 18 פָּרָסָאָם קָרָסָאָם, reading שָׂר, so ט.

Ibid., 8. 6 שְׁבָבִים *errantibus* or *conversis*, hence שְׁבָבִים with ט θ' σ' ε'.

Ibid., 10. 14 אֲמַלְמַלְמַל פִּנְשֹׁר שְׁלֵמָן בֵּית אֲרַבְאֵל, der. אֲרַבְאֵל from שְׁלֵמָן 'complete' and construing אֲרַבְאֵל as יָרַב אֵל (the translation of אֵל is wanting), comp. ver. 6 ἰκτάζων.

Ibid., 11. 7 עֲלֵעֵל יִקְרָאָהוּ נַחֲמֵסֵס, reading עַל with σ' θ'.

Joel 1. 17 מִמְּנֹרוֹת מִבֵּלָה מִמְּנֹרוֹת, hence מִמְּנֹרוֹת, comp. Hag. 2. 19 מִנְיָרָה 'granary'.

Amos 7. 16 וַיִּסְבֵּל בֵּית יִשְׁחָק . . ., translating a proper name.

Ibid., 8. 3 וְהִילִילוּ שִׁירֹת הַיָּבֵל . . . וְיִמָּל . . ., Jer. *et stridebunt cardines templi*, or *laquearia*, assuming probably שִׁירֹת = סִירֹת 'hooks, hinges'; [rather צִירֹת M.] ט's *φαινώματα* may also go back to the same, and it is hardly necessary to postulate קִירֹת.¹²⁰

Mic. 1. 11 עֲבָרִי לָכֶם אֲבָסִי אֲבָסִי, hence עֲבָרִי with most versions.

Ibid., 2. 12 מִבְּחֵלִי בְּצִנָּה בְּעֵדֶר בְּחוֹף הַדְּבָרוֹ . . . מִבְּחֵלִי אֲמַלְמַלְמַל, reading probably בְּצִנָּה (comp. Arab. مِمْرَة 'fold, enclosure'), so Jer. *in ovili*, בנו חוטרא ט.

Ibid., 4. 9 תִּרְעִי רַע . . . אֲבָסִי, impl. תִּרְעִי = תִּרְעִי.

Ibid., 6. 13 הַחֲלֹתִי חֲבֵסִי חֲבֵסִי חֲבֵסִי, hence הַחֲלֹתִי with ט θ' σ' υ'.

Nahum 3. 8 מִן אֲמוֹן מִן אֲמוֹן, impl. מִן אֲמוֹן, so σ' θ'.

¹²⁰ In contrast to this ט renders סִירֹת in 4. 2 by *λέβητας* and α' by *lebetes*, following ט דְּוִנִּית and Jewish tradition generally as expressed in b. Baba Bathra 73 a.

Hab. 3. 4 וְשָׁם חֲבִיּוֹן עֹזָה *et posuit absconsionem fortitudinis suae*, hence וְשָׁם with ט and ס'.

Zeph. 2. 14 חֶרֶב בַּפֶּה . . . חֶרֶב, Jer. *gladium*, assuming חֶרֶב, so ס'.

Ibid., 3. 18 נִינִי כְמוֹעֵר *translatos* . . . assuming perhaps נִהַנִּי or else, like Rashi, associating it with הָנָה 'remove', the נ alone constituting the root.

APPENDIX III

AQUILA READINGS IN TALMUD AND MIDRASH

SPECIMENS of Aquila's exegesis with all its inherent characteristics are also imbedded in the Talmud and Midrash, and for the sake of completeness deserve mention here. It is true that these readings are either disregarded altogether or else undervalued on the part of Christian scholars (comp., for instance, Field's *Prolegomena to the Hexapla*, p. xvii), but with due regard to the latter it must be urged persistently that the Aquila quotations in the Talmud and Midrash, based as they undoubtedly are on a popular oral tradition, deserve as much credence as the quotations by copyists on the margin of Septuagint manuscripts which quite often underwent considerable mutations and less frequently were metamorphized beyond recognition. If the talmudic quotations appear in various forms in different sources, the same may be claimed of the Hexaplaric remains which too often appear in two or more versions and sometimes in an altogether impossible form. Indeed, the Hexapla teems with examples of doubtful readings in disentangling which Field has done the lion's share of his work. The quotations of the Church Fathers, it is true, are more reliable, but this is only due to the fact that they quoted in the original Greek, while the Rabbis had to transcribe into Hebrew wherein it became unintelligible and hence subject to corruption. But with the aid of philological acumen these sometimes puzzling readings may be unravelled and made intelligible. It is the merit of

Azariah de Rossi (*Meor Enayim*, c. 45) and Rudolph Anger (*De Aquila*) to have dealt adequately with these talmudic remains of Aquila's version.

Altogether there are nine Greek renderings recorded expressly in the name of Aquila: ¹³⁰

Gen. 17. 1 אֱלֹהֵי שְׂרַי is quoted in Ber. r. c. 46 (ed. Theodor, p. 461) as having been rendered by א' אַכְסִיּוֹס וְאַנְקִיּוֹס. The latter is generally accepted to be a corruption of אַקְנוֹס = *ikanós* which in א' stands for שְׂרַי without exception. Our translator therefore followed the rabbinical derivation of שְׂרַי from רַי = sufficient, comp. Ber. r. l. c. and b. Hagiga 12 a. As to אַכְסִיּוֹס, Anger's explanation that it is a corruption of *ισχυρός* is the most probable, for it is based on the entire evidence from the Hexapla according to which א' renders אֱלֹהֵי by *ισχυρός* immutably. To assume *ἄκιος* ('not worm-eaten', hence 'eternal') with De Rossi or *ἄξιος* (worthy) and a doublet of *ikanós* with Krauss means simply to ignore the whole evidence of the Hexapla from which we learn that neither of these words constituted a part of Aquila's vocabulary. Indeed, *ἄκιος* is foreign to all the Greek translators, while *ἄξιος*, though used by the Septuagint, occurs only once in א': 2 Kings 12. 5 קִוְּיָתָא = *ἄξιος θανάτου*, where *νιος*, suggested by Field and found in G, is probably the right reading.¹³¹

¹³⁰ How many more *sine nomine* is a matter of conjecture, and is still *sub iudice*; comp. Zunz, *Gottesdienstliche Vorträge*², p. 86, n. d, and Krauss, Steinschneider's *Festschrift*, pp. 148-64. No consideration is given here to readings preserved in a Hebrew translation only.

¹³¹ Krauss overlooks the evidence of the Hexapla when he considers *ισχυρός* for אֱלֹהֵי an unusual translation ('eine ungewöhnliche Uebersetzung') in Aquila, for, as a matter of fact, it is so used approximately forty times, not to mention the derivatives of אֱלֹהֵי which are likewise rendered, in the usual Aquila style, by derivatives of *ισχυρός* (comp. Index).

Lev. 23. 40 פָּרִי עֵץ הָרֹר. According to p. Succa 3. 5, fol. 53 d (also Lev. r. c. 30) Aquila rendered הָרֹר by ὕδωρ and construed it as אֵלֶן שֶׁהוּא גֹדֵל עַל פְּנֵי הַמַּיִם. This characteristic of translating a Hebrew by a Greek word of similar sound is quite common in Aquila; comp. אֵלֶן = αὐλῶν, לֵישׁ = λῆς, קָסֶת = κάστυ, מְכַרְפֵּר = καρχαρούμενος.

Isa. 3. 20 בְּתֵי הַנֶּפֶשׁ which is generally accepted to mean 'perfume boxes' was translated by α', according to p. Shabbath 6. 4, fol. 8 b, אֶסְטִימוּכְרִיָּה, or, as De Rossi puts it, אֶסְטִימוּכְיָה. The Talmud adds as an explanation דְּבַר שְׁנֵיתָן עַל בֵּית הַנֶּפֶשׁ. Lightfoot (*Horae Hebraicae*, p. 280) believes the word to be στομοκήρια. Buxtorf (*Lex. Chald. et Talmud.*, p. 160) reads στομαχία, based on De Rossi's variant. Anger proposes both στομαχάρια and στομαχία, 'a thing placed above the stomach'. Jastrow (*Dictionary of the Targ. Talm. and Midr.*, p. 90 a) would like to read ἐνστομάχια. Finally Krauss (Steinschneider's *Festschrift*, p. 161), based on a variant in the *Yalkut Makiri* אֶסְטִימוּכְיָה, suggests στρομβίον, dimin. of στρόμβος = στρόφος, 'a twisted band or cord about the loins'. This suggestion is favoured by the preceding קֶשֶׁרִים, but it is opposed to all the translators and commentators who agree in taking it as an ornament hanging against the heart and not as something surrounding the whole body which we have to assume of a band; comp. Talmud *l. c.*, Targum קְדִישֵׁי, Rashi שְׁכֵנֵי הַלֵּב, Ibn Ezra עַל הַחֹהֶה, Kimhi: עַד שֶׁיִּהְיֶה עַל לֵבָן.

Ezek. 16. 10 רֶקְמָה = פִּלְקֶטָה according to Midr. Threni 1. 1. A better reading is preserved in Pesikta 84 b: פִּיקֶלְטֹן alone, which is the Greek ποικιλτόν and is preserved in the Hexapla to Ps. 44 (45). 15 as Aquila's translation of רֶקְמָה. Our translator also uses ποικιλία for רֶקְמָה in Ezek. 17. 3 and 27. 24. Accordingly, as Anger had already

anticipated, the two words in the Midrash and the Aruk are simply a corruption of one and the same word ביקלטון. Krauss is therefore wrong in insisting on a double rendering belonging to the two editions of Aquila's version, especially since *πλεκτόν* which he proposes for the second is foreign to Aquila's vocabulary.

Ezek. 23. 43 *וְאָמַר לְבָלָה נֶאֱפִים*: according to Lev. r. *a'* rendered the last two words by *פיליא פורני*. This, however, conflicts with the Hexapla where we find for *a'* *τοῦ κατατρίβειν μοιχείας* = 'to wear out (use to the full) adultery', implying *לְבָלָה*. Nor is this the only case where *a'* employs *κατατρίβειν* for *בלה*: it occurs four times more, while *παλαιῶν* is used for *ישן* only once, Deut. 4. 25, and even then it is ascribed to the Three together. Moreover, *a'* employs *πορνή* only for *זונה*. Hence the reading of the Midrash is attributed wrongly to *a'*. If we are to believe the Hexapla it belongs to either *σ'* or *θ'*, for the former has *παλαιῶνται μοιχείας* while the latter has *τῇ παλαιούσῃ μοιχείας*, both of which agree with b. Yoma 83 b *זונה בנאופים*. This would be interesting in showing that the Rabbis quoted not alone *a'* but also *σ'* and *θ'*, if not for the more probable alternative that the signatures are wrong.

Ps. 47 (48). 15 *יְהַיְיָנוּ עַל-מוֹת* to which p. Megilla 2, 3, fol. 73 b has: *תירגם עקילם אחא נסייא עולם שאין בו מות*. Anger is right in supposing that *a'* either confused *ע* with *ס* and read *אַל מֵנֶת* (comp. Ps. 89 (90). 10 where *אַישׁ* was read for *חַיִּים*) or else he read *ע* and simply interpreted *עַל* to 'mean 'over and beyond' (*super mortem*).

Prov. 18. 21 *מֵוֹת וְחַיִּים (בְּיָד לְשׁוֹן)* to which Lev. r. c. 33. 1 remarks *תרגום עקילם מוצטרא מוכירין מות מכאן וחיים מכאן*. The Greek is generally accepted to be *μύστρον* and *μαχαίριον* = spoon and knife. The former does not occur anywhere

else in *a'*, and for that matter in all the Greek versions, while *μάχαιρα* is used once for שָׁבִין in Prov. 23. 2. Field naturally styles this rendering 'altogether absurd and ridiculous', nevertheless it may have a basis in some midrashic interpretation according to which spoon is the symbol of life and knife the symbol of death.

Esther 1. 6 חֹר פֶּרֶפֶס וְתַבְלֶת was rendered by *a'*, according to Midr. Est. r., אִירִינוֹן קרפסינוֹן טיינוֹן = ἀέρινον καρπάσινον ὑακίνθινον. With reference to the first it is not impossible that *a'* confused חֹר with אֹר = אוֹר = ἄρ; comp. his confusion of חֵישׁ with אֵישׁ mentioned above. Another possibility is that this is simply another case of translating a rare Hebrew word by a Greek one of similar sound although it denotes something altogether different; comp. above to Lev. 23. 40. Levy (*Neuhebr. u. Chald. Wörterbuch*, I, 71 a) and Jastrow (*Dictionary*, p. 47 b) take it to be εἰρίνεον = woollen, but Anger on the basis of citations from Jerome proved it to be ἀέρινον.—As to καρπάσινον, it is a hapaxlegomenon in *a'* as well as in the Septuagint. As a transliteration it lends some force to the view expressed above that חֹר is also transliterated.—ὑακίνθος for תַּבְלֶת occurs four times in *a'*, though ὑακίνθινον is limited to the Septuagint and Theodotion.

Dan. 5. 5 לִקְבֵּל נְבִרְשֶׁתָא is said p. Yoma 3, 8 fol. 41 a to have been rendered by *a'* לִמְפָּרס, or better with De Rossi לִמְפָּרס. This clearly leads to κατέναντι τῆς λαμπάδος which is also the reading of *θ'*.

APPENDIX IV

3 KINGS 14. 1-20

THE continuous Hexaplar text of 3 Kings (chap. 14, vers. 1-20) which the Syro-Hex. puts *sub asterisco* and a scholion at the end of it claims to come from the version of Aquila,¹³² though bearing all the traces of Aquila's mannerisms and slavishness to the letter, does not prove a pure text. Having in view the well-attested and well-proved adherence of Aquila to the consonants of the Masoretic text, it is sufficient to quote the consonantal disparities and discrepancies in order to prove the point in question:

ver. 2 נֶזֶם remains untranslated.

ver. 3 וְנִקְרִים לָחֶם עֲשֶׂהָ בִירֶךְ וְלִקְחָהּ בִּירֶךְ is rendered καὶ λάβε εἰς τὴν χεῖρα σου τῷ ἀνθρώπῳ τοῦ θεοῦ ἄρτους καὶ κολλύρια τοῖς τέκνοις αὐτοῦ καὶ σταφίδας; while the equivalent of עֲשֶׂהָ might have fallen out through neglect of the scribe, the two successive increments in the Greek (first τῷ ἀνθρώπῳ τοῦ θεοῦ = אֶל אִישׁ הָאֱלֹהִים, and then τοῖς τέκνοις αὐτοῦ καὶ σταφίδας = (לְבָנָיו וְעַמֻּקִּים) constitute a gross departure which is characteristic of Θ but not of α'.¹³³

¹³² Comp. Lagarde, *Bibliothecae Syriacae*, pp. 208 f. — The scholion on the margin reads as follows:
 פֶּסֶם מִן מַלְאָכָא דְּאֵל חַעֲדָהּ אֲמַר:
 וְחִסְיָא דְּמַלְאָכָא [sic] מַלְאָכָא דְּמַלְאָכָא
 אֲמַר: מַלְאָכָא דְּמַלְאָכָא דְּמַלְאָכָא
 פֶּסֶם מִן מַלְאָכָא דְּמַלְאָכָא דְּמַלְאָכָא
 מַלְאָכָא דְּמַלְאָכָא דְּמַלְאָכָא
 וְחִסְיָא דְּמַלְאָכָא דְּמַלְאָכָא
 וְחִסְיָא דְּמַלְאָכָא.

¹³³ It is not impossible that α' wrote καὶ κολλύρια for וְנִקְרִים (comp. Exod 29. 2, 23; Lev. 2. 4 and 8. 26, where קִלְהָ = κολλύρια), and that καὶ σταφίδας

ver. 4 וַאֲחֵיהּ לְאַיֵּכֶל לְרֹאוֹת וְנִן מְרֹאוֹת וְהָאָדָם וְנִן מְרֹאוֹת, *καὶ ὁ ἄνθρωπος πρεσβύτερος τοῦ ἰδεῖν*, as if we had וְנִן מְרֹאוֹת וְהָאָדָם.

ver. 5 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה, *καὶ ἐγένετο ἐν τῷ εἰσέρχεσθαι αὐτήν*, corresponding to וַיְהִי כְּבִצָּה.

ver. 16 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה, *καὶ δώσει κύριος*, while the Hebrew text has only וַיְהִי.

ver. 17 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה, *καὶ ἐγένετο ὡς εἰσῆλθεν*, implying וַיְהִי כְּבִצָּה.

Moreover, תְּרִצָּה in ver. 17 is rendered *εἰς τὴν Σαριρά*, while we should expect *α'* to render it by *θερσάδε*, -δε for ה locale.¹³⁴

On the other hand, there can be no doubt that the bulk of it is derived from our translator. The characteristics exhibited in the two other continuous texts of Kings, discovered at Cairo and published by Burkitt, are quite manifest here. Thus it was established by Burkitt¹³⁵ that in Aquila אֵת with the article is translated by *συν* with the article, while אֵת without the article is represented by the Greek article only. This is borne out by our text: ver. 8 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה = *συν τὸ βασιλεῖον*, and ver. 6 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה = *τὴν φωνὴν ποδῶν αὐτῆς*. Notice further such literalisms as the following: ver. 6 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה = *καὶ ἐγὼ εἰμι ἀπόστολος*; ver. 9 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה = *καὶ ἐπορεύθης καὶ ἐποίησας σεαυτῷ*; ver. 15 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה = *ἀνθ' οὗ ὅσον*; ver. 18 וַיְהִי כְּבִצָּה וַיְהִי כְּבִצָּה = *ὁ ἐλάλησεν ἐν χειρὶ δούλου αὐτοῦ*.

We must therefore arrive at the conclusion that this text is eclectic, Aquila being used as a substratum, while portions of another text were made to assimilate to it.

represents וַיְהִי's rendering for the same word, which was either read וַיְהִי or else taken to mean the same as this word.

¹³⁴ Comp. above, chap. i, § 12.

¹³⁵ *Fragments of the Books of Kings according to the translation of Aquila*, p. 12.

That this other text was the Septuagint is shown conclusively by Burkitt who compares the increments in the Hexaplar text as given in A with the story of Jeroboam's wife and Ahijah the prophet as it appears in B, at the end of chap. 12, ver. 24,¹³⁶ proving that there is a striking agreement between the two. He therefore characterizes these passages as 'rather adaptations than actual quotations'¹³⁷ and concludes thus: 'And so we must regard 3 Regn XIV, 1-20 as read in A not as a mere extract from Aquila, but as Origen's rewriting of 3 Regn. XII, 24 g-n. That Aquila was the source from which Origen here drew cannot of course be doubted'.¹³⁸

¹³⁶ It should be remembered that the Hexaplar text, which appears in its proper place in A, is wanting in B; but, on the other hand, the same narrative, though in a different form, is found in B after 12. 24 (ver. 24 a-z) and missing in A at that place. The verses 12. 24 g-n in B correspond to 14. 1-20 in A.

¹³⁷ *l.c.*, p. 12.

¹³⁸ *l.c.*, p. 34.

ADDITIONS AND CORRECTIONS

p. 10, n. 25.—Van Driesche was the first to collect Hexaplaric fragments to the Book of Psalms in his *In Psalmos Davidis vet. interpretum quae extant fragmenta*, Antv. Plantin., 1581 (quoted first by Lagarde and then by Nestle, very rare).

p. 20, n. 46.—דרך האתרים = ὁδὸν τῶν κατασκόπων is supported by ס' ט ז ט, Sam.; comp., furthermore, Midr. r. to Num. 19. 11: דרך האתרים התייר הנדול שתר להם את הדרך.

p. 22, below.—Add Isa. 33. 7 אֲרָאֵם, ὁραθήσομαι αὐτοῖς, implying (לָהֶם) אֲרָא לָם.

p. 53.—As a striking instance of genit. לְ should be noted, Job 18. 14 לְמֶלֶךְ בְּלִהוֹת = τοῦ βασιλέως ἀνυπαρξία.

p. 69.—Add Jer. 50 (27). 11 χλοή = דְּשֵׁא inst. of דְּשֵׁא, so ט ז; Ezek. 16. 4 לְמִשְׁעֵי εἰς σωτηρίαν, hence לְמִשְׁעֵי or לְמִשְׁעֵי (comp. Jer. 14. 8 where מוֹשֵׁעַ = σωτηρία, abstr. pro concr.).

p. 70, end of § 29.—Comp. also above, § 11.

p. 71 f.—Add Jud. 13. 5 φόβος = מוֹרָא (for מוֹרָה), likewise in 1 Kings i. 11; Ps. 28 (29). 1 κριῶν points to אֵילִים inst. of אֵילִים, so a number of MSS.; Isa. 10. 33 κεράμιον (vessel or vase) impl. פוֹרָה for פִּאֲרָה, comp. 63. 3 פוֹרָה = κεραμύλλιον, supported by many MSS.

p. 79, above.—Add Jer. 8. 18 מִבְּלִיגִיתִי עָלַי יָגוֹן עָלַי לְבִי דָן = διὰ τὸ μὴ εἶναι ὑβρις ἐπ' ἐμὲ ἢ καρδία μου ὁδοιπορία (Field Auctarium), which may correspond to מְבִלִי גָאָה (גָּאֹן) עָלַי, or מְבִלִי דָן, comp. ט ἀνιάτα = מְבִלִי גָהָה. Against this the Syro-Hex. ascribes to α' the following: ܦܪܫܐܠ ܝܡܐ ܚܒ.

מכל חכב חבב חבב חבב—all in keeping with the consonants, though not the vowels and interpunction of MT—while crediting the irregular reading to θ' . In connexion with the latter it is interesting to note a midrashic exposition (Pethiḥta to Lam. r., § 32): מהו מבליניתי? מבלי הונין: בחורה לקיים מצות ומע"ט עשיתי ביתי ניתי ואעפ"כ עלי לבי דוי על בהמ"ק.

CRITICISMS OF SOMBART

Randbemerkungen zu Werner Sombart. Von M. STECKEL-MACHER. Berlin: G. SIMON, 1912. pp. 63.

Judentum und Anfänge der modernen 'Kolonisation'. Von HERMANN WÄTJEN, Berlin und Stuttgart: W. KOHLHAMMER, 1914. pp. 72.

AFTER all, truth is great and will prevail. A few years ago Professor Werner Sombart startled the housetops by an ingenious series of paradoxes intended to prove that the Jews were the founders of modern capitalism, on which latter subject the Professor had written two bulky tomes. He was not content with heaping up minute references to Jews as business men in all quarters of the globe during the last couple of hundred years. But, having by this means established, to his own satisfaction, the fact that Jews were the founders of the modern system of business founded on credit and aiming solely at profits by any means, he also, with true German thoroughness, tried to prove that the nature of the Jew had been, from all times, such that he was predestined, by his race and by his religion, to create modern capitalism. The paradoxicality of both these theses attracted great attention and, in particular, Jews did not know whether to be more proud of the claims to originating modern capitalism or more incensed at the motives to which Sombart attributed this power of initiative.

But in putting forward these ingenious views, with a wealth of citation, which, at first sight, might seem conclusive, Professor Sombart ran his head against a tendency of modern life, which is equally characteristic of it as capitalism itself. You cannot make any assertions about the past without rendering yourself liable

¹ These reviews, designed for the *QUARTERLY*, were found among the papers of the late Dr. Jacobs.—[EDITOR.]

to criticism by specialists who, to say the least, are likely to know as much about it as yourself. This nemesis, so desirable in the interests of truth, has overtaken Professor Sombart in several reviews which have pointed out how seriously lacking in perspective are his economic facts or history, and how erroneous are the interpretations he puts upon the passages from post-biblical Jewish literature on which he relies to prove his main contention that the Jews are, and have always been, hucksters at heart, even in their relations to the unseen world. Two books, or rather pamphlets, have appeared which press home these criticisms upon the two main lines of Sombart's ingenious but unconvincing theories.

We may take the more concrete topic first, on which indeed Professor Sombart might have been expected to be least liable to adverse criticism. A professor of economics ought to know his economic history, and there is no doubt that in detail Professor Sombart has control of the very large literature on this subject that has grown up within the last thirty years. But this makes it all the more inexcusable for him to have exaggerated the rôle of Jews in transforming the older economic system of barter and customary prices to the later one of credit and competition. One of the forces leading to this change was the growth of colonial trade, which required both capital and credit, and from the nature of the case was likely to be influenced mainly by competition rather than by custom. Sombart contends that the Jews had not alone a distinctive but a decisive rôle in the development of colonial commerce. Yet Mr. Waetjen proves, by inexpugnable facts, that Sombart's statements in this regard are exaggerated to the *n*th degree. As one example, he takes Sombart's statement that the Dutch East-India Company, without the money of the Jews, could not have played such an important rôle, and that Dutch commerce of the seventeenth century was in fact founded by the Marranos. To this Waetjen gives two replies. In the first place Dutch commerce in that period was based not upon the trade to the Far East but upon the nearer Baltic trade and the herring fisheries, and

secondly, when the Dutch East-India Company was founded in 1602, out of six and a half million of florins subscribed to the Company, one could only trace 4,800 florins to a Jew and a Jewess. Next year saw another 1,200 florins added, and in 1604 five new Jewish names are attached to subscriptions, amounting to about 22,000 florins. But counting all these Jewish subscriptions together, they do not amount to more than 28,000 florins, or not quite one-twentieth of 1 per cent. of the whole subscription list. So, too, with regard to the Dutch West-India Company, established in 1621; the total capital was 7 millions, out of which eighteen Amsterdam Jews held 26,000 florins, about the same minute fraction as in the case of the Eastern company. In neither company was there ever a Jewish 'Bewindhebber', or director, even though at the commencement of the eighteenth century the Jews held one quarter of the stock of the O. I. C., (Oost-Indië-Compagnie), which then began its decline owing to the superior energies of 'Jack Company' (the East India Company). Here again Jews had no share or influence in the East-India Company from which, as aliens or quasi aliens, they were originally kept aloof (Cunningham, *Growth of English Trade and Industry in Modern Times*, i. 327).

It is scarcely necessary to insist upon the exaggerated character of Sombart's claims with regard to the part taken by Jews in the West-India trade. It is true that their share in the sugar trade was considerable, and at Surinam they did hold a predominant position. But rum and timber easily outweighed sugar in European markets, and Surinam was not the only, nor the largest, pebble on the colonial beach.

In all these cases Sombart is only endorsing, and perhaps emphasizing, claims already made by Jewish investigators; e.g. Graetz, with regard to the Dutch East-India Company (ix. 518), Lucien Wolf with regard to the English East-India Company; and Mr. Kohler and Mr. Hühner with regard to the West India.

So, too, in laying emphasis upon the activities of the Marranos in transferring the hegemony of trade from Spain to Holland and England, Sombart is only reiterating what I myself said in the

article 'Commerce' in the *Jewish Encyclopedia*, which he is good enough to quote. But Professor Sombart is evidently acquainted with the whole literature of modern economic history, and ought, therefore, to see the Jewish part, which was naturally considerable, since they were mainly commercial men, in due but not exaggerated proportion. Mr. Waetjen's pamphlet proves that he has been unscientifically eager to press unimportant points.

Where a professor of economics is so lax and unscientific with regard to his economic history, one could scarcely expect him to be more trustworthy with regard to theologic and psychologic facts and theories. It is not, therefore, surprising to find that Dr. Steckelmacher is easily able to convict Sombart of many elementary blunders in making his assertions about the capitalistic tendencies of the Jewish religion. Those who know merely the elements of Jewish learning are aware how dangerous it is to make any wide statements about the Jewish attitude towards any ethical or theological problem, and in particular how often one has to take into account the circumstances under which an utterance is made which involves a knowledge of the speaker and his times. Dr. Steckelmacher again and again convicts Professor Sombart of failing in these elementary acquirements for understanding Jewish ethics. He even shows that he is equally misleading with regard to his quotations from the Bible, as Prov. 28. 14; or Jer. 7. 22. But it was obvious to even those unlearned in Jewish lore that Sombart was wilfully one-sided in his quotations which were mainly from Talmudic treatises, and left out of account such simple and obvious sources as the Jewish Prayer Book, which would have at once convicted him of one-sidedness in asserting that the Jewish inner life is solely motivated by business considerations. He would scarcely consider it fair to judge of Christian morality and idealism by quotations from the *Corpus Iuris* which is, after all, in its last redaction, a Christian document.

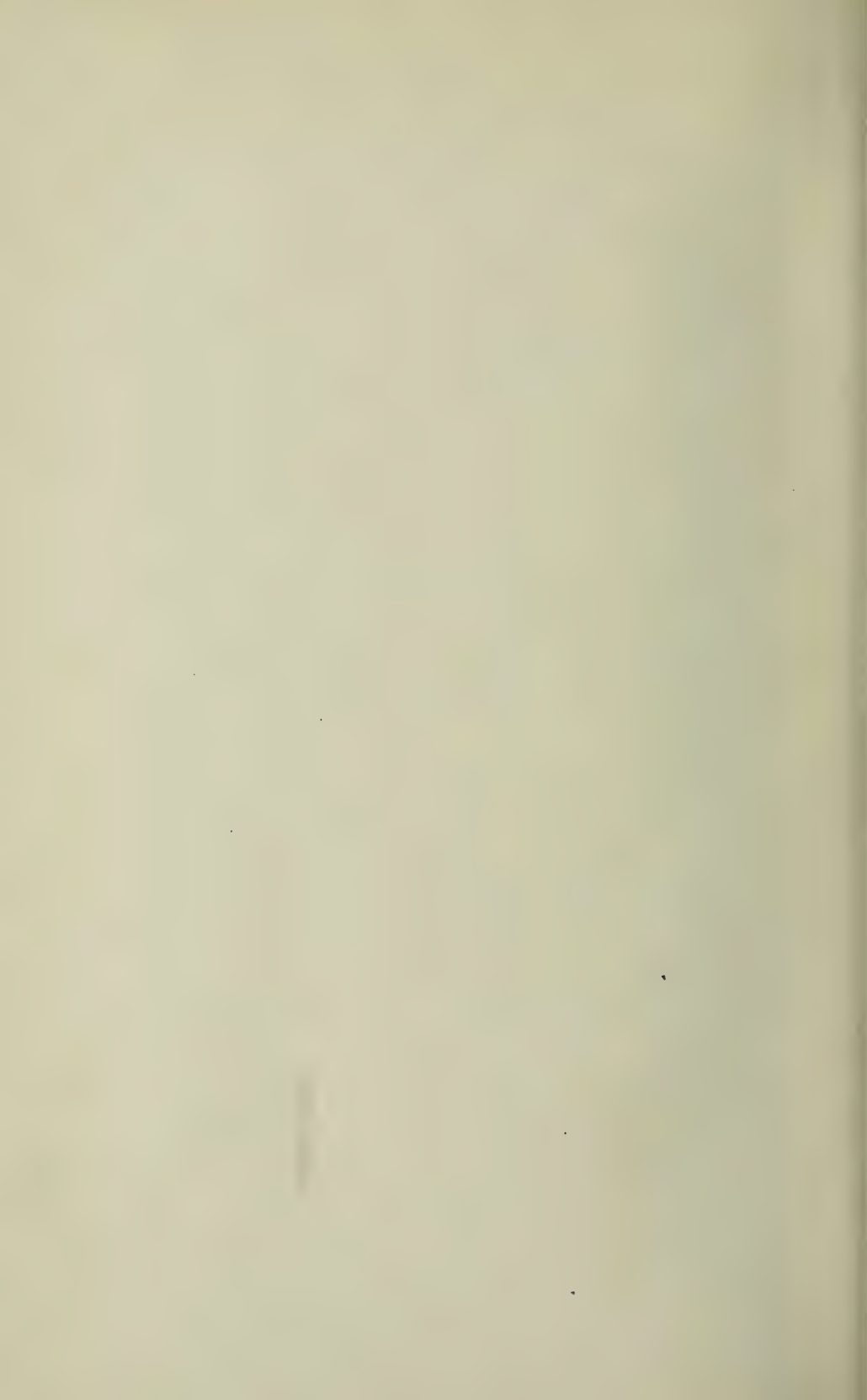
Dr. Steckelmacher is even more effective in rebuking Sombart for his strange reference of all Jewish characteristics to their original nomadism or, as he calls it, Saharism, or the influence of

the original wanderings in the desert on their character (how Renan's fantasies crop up in all sorts of unexpected ways in all literature having an anti-Semitic tinge!) The truth is that, so far as Jews show any tendency towards commercial life, this has been due simply to the fact that they were practically confined to that mode of livelihood from the time of Christianity to the break-up of the craft guilds. After all, if you trace back any race whatever, you would get at last to a nomad stage which, if it has left us many psychologic traces in the case of Jews, ought to be equally efficacious in the case of any nation who are now trying to force their 'culture' upon the rest of the world.

It is unnecessary to follow Dr. Steckelmacher through all his annotations on Sombart's views about Judaism. But for the notoriety the book has acquired, it would scarcely be necessary to regard such obviously superficial views as worthy of refutation or even notice. One point may however be referred to as bringing out an interesting development in Jewish economic theory. Sombart, in trying to prove that the Jews were the first to use the 'impersonal' acknowledgement of indebtedness, makes a great deal of the Mamram of the Polish Jews, which is practically a bill of exchange which passes from hand to hand without reference to the original debtor and creditor. Sombart took this as peculiarly Jewish, and as therefore proving Jewish initiative in establishing the use of bills of exchange, but Dr. Steckelmacher points out that it was derived from Polish legal practice, and that the very name is a modification of the Polish legal term *Membrana*, and that each Mamram contains the clause, 'This bill shall have all the rights of the bills of exchange *which are usual in the royal courts*'.

Altogether both Mr. Waetjen and Dr. Steckelmacher have proved to the hilt that Sombart's views as to the influence of Jews on colonial expansion and as to the inner spirit of the Jewish religion are not only prejudiced and one-sided, but are very superficial and based on an inadequate study of the sources.

JOSEPH JACOBS



VERNES'S 'SINAI AND KADESH'

Sinai contre Kadès. Les grands sanctuaires de l'Exode israélite et les routes du désert.¹ Par MAURICE VERNES. Paris, Imprimerie Nationale, 1915, gr. 8° (chez LEROUX, pp. 132).

AMERICA occupied the first place in a series of lectures delivered at the École pratique des Hautes-Études of the Sorbonne, which have just appeared in the *Annual* for the scholastic year 1915-16, published in the section dealing with the science of religions. Professor J. Raynaud, who holds the chair of Religions of America before Columbus, devoted one of his weekly lectures to the Civil and Religious History of Central America preceding Columbus, chiefly according to native documents; in the second course he will decipher the hieratic and hieroglyphic writings of the same region. Maurice Vernes is at present studying the origins of the religion of Israel, and investigating the latest hypothesis on this subject; in the second course he will give a philological exegesis of Canticles.—Rabbi Israël Lévi, Professor of Talmudic and Rabbinic Judaism, is now expounding the rabbinic commentaries on the Psalms and the *Sefer ha Yashar*. Passing over the other courses on the history of religions, which do not form part of the present group, it will suffice to note that six of the courses, the professors of which are with the colours, cannot be given because of the war. For the same reason many of the Jewish publications have been compelled to suspend.

In the work to which this notice is devoted the learned director of studies on the religions of Israel and the western Semites, president of the section on religious sciences, gives a long archaeological and geographical study, with a plea for the ancient Sinai against her young and brilliant rival, Kadesh, in the

¹ The map attached by the author is of great importance.

extreme south of the land of Canaan. This portion merits special attention all the more, because the author usually denies the antiquity of the Biblical books,² while here he clearly takes a view in favour of tradition.

In the first place it is well to examine the Sinaitic peninsula, in particular its situation on the line of transit between Egypt and Palestine, before attempting even mentally to traverse the peninsula from west to east. We must choose one of the two following routes—either the northern, which goes north-east along the coast of the Mediterranean, or the southern, which, entering the wilderness of Sinai, passes to the south along the shore of the Red Sea, then leaves on the north the desert of Paran, to-day called *El-Tih*, the desert of the wandering. In the presence of this inevitable dilemma, one must make a decision to go by one route or the other. We get a good idea of it from the map of Sinai briefly sketched from the book of M. Vernes (p. 3): it leads from Mts. Serbal and Sinai, bounded on the south by the Red Sea, up to the Mediterranean on the north, including Jerusalem in the north-east. It indicates, in approximately large features, the position of the routes suitable for communication between Egypt and Asia at the time of Moses.

The most recent critics reject the traditional location; some of them accept the imaginary position attributed by Christian monks of the fourth century of the common era, because they claim as the scene of the giving of the Decalogue the site of the convent erected in honour of St. Catherine, whose church was built at the foot of Djebel Musa (Mountain of Moses). Among the contemporary historians who have treated this question of the exodus of Israel in the desert the youngest is an officer, Raymond Weill, captain in the Engineers, whose competency is not doubted, but whose theories will bear discussion.³

² This opinion is set forth positively in other works by this author, *Précis d'histoire juive* (1889), *Résultats de l'exégèse biblique* (1890), *Essais bibliques* (1892), and many other works.

³ He has dealt with this subject several times: first in the thesis which he upheld with great success before the Faculté des Lettres of Paris under

According to M. Weill great stress must be laid upon the fact that the identification of Sinai with the point of the peninsula which has taken and kept the name Sinaitic coincides with the arrival of the monks, and had never occurred to any reader of the Bible. Nevertheless M. Weill falls in with that view—what a paradox!

Renan, in spite of all his scepticism, was not so revolutionary. He held, at least in most points, to the Mosaic tradition as regards the principal stations during the exodus; without rejecting the terms of the Pentateuch he believed in the essential rôle that Sinai plays in the journeyings of the Hebrews in the desert. 'Of all these stories concerning the exodus', he says,⁴ 'it is possible that the error was made in preserving merely the fact itself of the departure from Egypt and the entrance into the peninsula of Sinai. . . . By continuing its route directly toward the south, Israel would have found only death. It turned towards the south-east, almost following the sea, or rather the ancient route which the Egyptians had traced in order to exploit the copper mines of Sinai.' The writer adds further: 'The criticism which considers as legendary all these stories relative to Horeb and Sinai, can hardly attach any value to the topographical researches that have been made to localize the Biblical scene'.

After pointing out this opinion, which follows that of Eduard Reuss, M. Vernes presents in turn (pp. 10-16) the adverse opinions proposed by J. Wellhausen in the *Prolegomena zur Geschichte Israels*, by A. von Gall in his *Israelitische Kulturstätten* (Giessen, 1898), by Hermann Guthe, *Geschichte des Volkes Israel* (Tübingen, 1914). All their arguments notwithstanding, it is unnecessary to renounce the view adopted up to the present. The duality of routes which led from the land of Canaan to

the title 'La Presqu'île du Sinaï: Étude de géographie et d'histoire (Paris, 1908), then in a very well-developed paper which the *Revue des Études Juives* published (1909), LVII, 19-54, 194-238; LVIII, 23-59. Cf. *Journal Asiatique*, 1909, I, 295-300.

⁴ *Histoire du peuple d'Israël*, t. I (1887), pp. 161, 165, 195, note 1; cf. t. II, p. 36.

Egypt is not doubtful. We do not know, it is true, what course was followed in this direction by each of the three patriarchs, Abraham, Isaac, and Jacob; but the famous text of Exodus (13. 17-18) is explicit; it furnishes the reason why Israel, led by Moses, left Egypt by the road of the desert along the coast of the Red Sea in preference to the road on the north, although the latter was the shorter and more practical of the two. The people must not change their minds, says the Bible, on seeing war and return to Egypt; that is why God made the people take a round-about way by the route of the desert of the sea of Sûf (Red Sea) or sea of rushes. Let us lay stress upon a single one of the arguments presented by our author in favour of his thesis; it is an argument upon the reading of a word which at first seems insignificant, but which upon consideration becomes weighty and of force.

A longitudinal plan which accompanies the work of our author contains the places in dispute.⁵ It is an extract of the *Table romaine* of Peutinger, edited by T. Ernest Desjardins (1872, in-folio), which has been reduced to about two-thirds. It is a question of determining an intermediate point between the ancient Klysma—to-day Suez—and Paran in order to proceed by the south to Kadesh, in accordance with the geography of Ptolemy. The latter mentions Munychiatis, which was sought in vain upon the aforesaid Table. On this map one mutilated word, with an initial syllable cut off, had been erroneously read *deia*, and then completed to read [*Me*]*deia*, so as to meet the requirements of the opposite thesis; while M. Vernes, adopting the reading *ocia*, completes it as [*Men*]*ocia* = *Munychiatis*, because he bases his argument upon the actual name Makuan, in the south, as it is represented upon the map of M. Georges Bénédict in the *Guide Joanne*, 'Syrie et Palestine' (Paris, 1891, 12°); but we know that the original of the Table of Peutinger is preserved at the Imperial Library of Vienna, and it is fortunate that, in spite of the obstacles in communication at the present

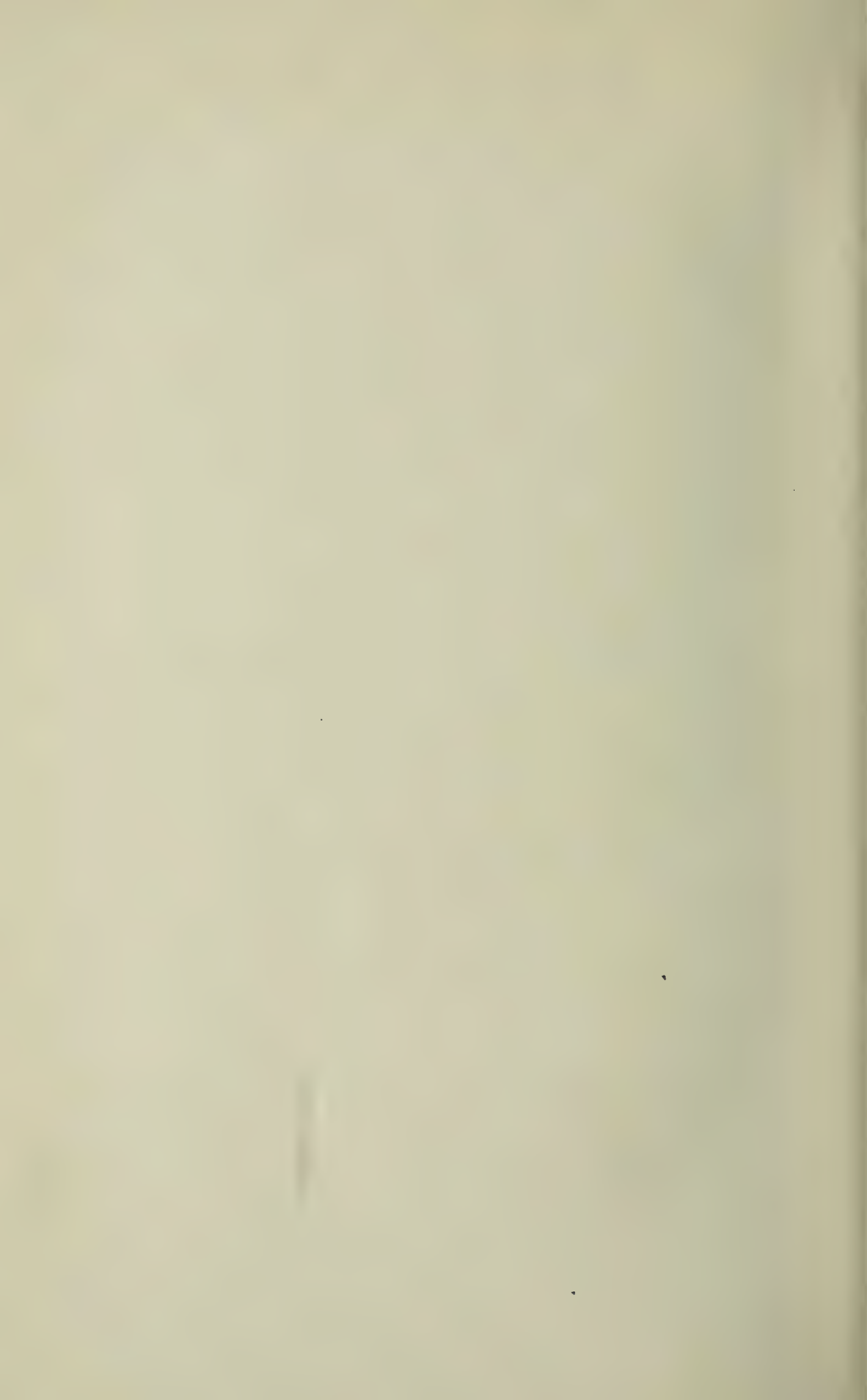
⁵ 'Name of an Arabic locality of Sinai', according to M. Clément Huart.

time, our author has obtained the verification of the word in doubt, thanks to the plenipotentiary minister of the Swiss Confederation at Paris, who mediated with the Swiss Embassy at Vienna, and was able to ascertain that the geographical name in question is written as it was formerly recognized and published. It results from this identification that the Romans also followed the south of the peninsula or the Red Sea, not the north or the Mediterranean, in order to go to Asia.

We shall not follow any further our exegete in his comparative study of the days of the route as they have been indicated in the Pentateuch, particularly in Numbers. It would likewise take too long to discuss his opinion, which is expressed (p. 89) as follows: 'The Israelites, from the time that they were settled in Canaan, never had occasion to introduce Sinai in the circle of their religious thought; Sinai always survived in their minds'. Let us, therefore, adhere to this conclusion of the author: 'Sinai-Horeb is lost in the mist, but it is at the same time glorified with an incomparable splendour. What it has lost in historical exactness it has regained in the opulence of the teachings which are attached to it—the wonderful Decalogue. Restored by the most rigid criticism, though shaken for a moment at its foundation, the mountain of Moses rests upon one of the highest summits upon which humanity fastens its eyes'.

MOÏSE SCHWAB.

Paris, National Library.



YAHUDA'S EDITION OF BAḤYA'S 'DUTIES OF THE HEART'

Al-Hidāja 'ilā Farā'id al-Qulūb des Bachja Ibn Josef Ibn Paḡūda aus Andalusien im arabischen Urtext zum ersten Male nach der Oxforder und Pariser Handschrift sowie den Petersburger Fragmenten herausgegeben von Dr. A. S. YAHUDA. Buchhandlung und Druckerei vormals E. J. BRILL. Leiden, 1912. pp. xviii + 113 + 1. v (text).

BAḤYA B. JOSEPH IBN PAḠŪDA is not to be counted among the Judæo-Arabic philosophers of the classic period (900-1200). His Arabic work under the title given above, the only one through which he became known to posterity, does not represent any system of philosophy, as do the speculative writings of Saadia, Ibn Gabirol, Ibn Dāūd, and Maimonides. It is only the first chapter of the work, which, dealing with the question of God's unity, gives the whole a philosophic aspect. But even here the author is not actuated by the desire of solving for the reader a philosophic problem, but merely follows a custom common among Mohammedan theologians of opening their books with a chapter on God, emphasizing His unity and uniqueness, and proving these by arguments borrowed from the works of the philosophers. Baḡya's chapter on Unity is, indeed, only a restatement of theories taken from Saadia's *Kitāb al-Amānāt*, whom he mentions several times and whose views he often utilizes without explicitly referring to his source. In the Introduction (p. 25, l. 15 ff.) Baḡya himself declares that he does not propose to deal with 'deep problems (المطالب البعيدة) the solution of which would be difficult in a work like his'. Elsewhere in the work (p. 191, l. 19; 361, l. 8) he even expresses his disapproval of all speculative attempts to penetrate the secrets of existence, its origin and final goal—problems whose solution, he says, is beyond the power of human

understanding. What he intends is to furnish to the reader a work which shall serve him as a methodical guide in all questions pertaining to his moral conscience and his inward relation to God. To achieve this purpose he does not confine himself to the quotation and interpretation of the material found in Jewish sources, but makes extensive use of his vast knowledge of the literature of the Arabs, from which he quotes a large number of fine sayings, anecdotes, and philosophic sentences, each one conveying some moral lesson of high value. In brief, Baḥya does not direct himself to the *mind* of the reader, he does not try to enlighten him on intricate metaphysical problems, but wishes to touch his *heart*, to stir his sentiments, and to elevate his soul to the realm of a higher contemplative life.

To edit a work like the *Hidḏya* and to give to the reader a proper analysis and appreciation of its contents, it is not sufficient that the editor possess a knowledge of the Arabic idiom and be conversant with the rabbinical literature upon which the author has so frequently drawn. In the entire branch of Judæo-Arabic literature there is hardly any other work of equal importance that is so thoroughly Mohammedan in style and diction and so completely permeated by the spirit of Muslim theology as is this ethical work of Baḥya. Were it not for the numerous quotations from Bible and Talmud, the work might reasonably be taken as the product of some Arabic moralist, like Ġazzâlî and others. A proper understanding of Baḥya's Ethics, therefore, necessarily requires the most intimate knowledge of the classic Arabic literature in its various branches, as the so-called *Adab (litterae humaniores)*-, *Kalâm* (doctrinal theology)-, *Zuhd* (asceticism)-, and especially the wide *Ḥadîṭ* (traditions)- and *Ṣûfî* (mystic)-literature.

This being the case, we must consider it good fortune that our work came into the hands of an editor who better than any one of the younger European Arabists satisfies the requirements just described. Born and brought up in the Orient (Bagdad), with Arabic as his native tongue and ancient Hebrew and Muslim literature as the main sources of his education, later broadened by studies at

European universities, Dr. Yahuda was exceptionally fitted for the edition of Bahya's work. Already in 1904 he published *Prolegomena zu einer erstmaligen Herausgabe des Kitāb al-hidāja'ila farā'id al-qulūb*, in which he treated exhaustively of the history and importance of the text, the peculiarities of the MSS., their relation to one another, etc., promising to take up some other aspects of the work in connexion with the future edition. In the work that is now before us, Dr. Yahuda more than makes good his promise. The Arabic text, to which Bahya's famous Hebrew Exhortation (תוכחה) and Supplication (בקשה) are added, is based upon two complete MSS. (Oxford and Paris) and several fragments in the St. Petersburg Imperial Library, all written in Hebrew characters, which Yahuda has transliterated into Arabic, in order, as he says (p. 17), to make the work accessible also to modern Mohammedan scholars of the Orient. Transliterations from one script into another are usually the cause of mistakes, no matter how carefully done. This is due to the circumstance that the scribes, who copied the MSS. either for themselves or for others, employed the Hebrew alphabet in such a manner as to reproduce the sound of the Arabic words in the pronunciation to which they were accustomed; and, while on the whole a certain regularity was generally observed, there is still enough left that is more or less arbitrary and requires special knowledge (comp. Yahuda's detailed discussion of this matter in the afore-mentioned *Prolegomena*, 23 ff.). Indeed, as an English critic has pointed out (*Journal of the Royal Asiatic Society*, 1914, p. 105 ff.), even Yahuda with his mastery of Arabic did not entirely escape the traps laid by the scribes. Most of the mistakes, however, are of little significance, being due partly to misprints and partly to the fact mentioned by the editor (p. 16, n. 1) that Jewish as well as Mohammedan authors very often showed carelessness in grammar and orthography and sometimes even in the construction of sentences, the correction of which is not within the province of the editor.

Dr. Yahuda also had another difficulty to cope with, namely, that in very numerous places the MSS. offer widely different texts. In the first chapter of the work we have in part two

entirely different recensions. The editor's assumption (pp. 14-15) that the recension represented by the Paris MS. is the work of later readers and copyists will, in spite of the plausible arguments adduced in favour of this view, hardly gain the approval of scholars. Bahya is no doubt the author of both versions. Such double texts are not a rare occurrence in Arabic literature (comp. Goldziher, *ZDMG.*, LXVII, 530), and they are in most cases attributable to the authors themselves. A classic example in Judæo-Arabic literature is the seventh chapter of Saadia's *Kitāb al-Amānāt*, which exists in two totally different versions (see Bacher in the Steinschneider-*Festschrift*, pp. 219-26). In Bahya's work as well as in the *Amānāt* even the minor differences between the existing MSS., as they occur throughout the respective works, are not merely variants caused by the copyists, but in most instances go back to changes made by the authors themselves.

Be that as it may, the main distinction of Yahuda's edition is not so much his treatment of the text as his excellent introduction to the work. It consists of three main chapters, each one subdivided into several sections. The first chapter (pp. 1-18) is devoted to a minute description of the MSS. and other technicalities of the edition. A thorough examination of the method and the scientific value of Judah Ibn Tibbon's Hebrew translation of Bahya's work occupies the second chapter of Yahuda's introduction (pp. 19-52). Numerous passages throughout that translation are pointed out as inadequate renderings of the original and are replaced by translations into Hebrew suggested by the editor. On several occasions (see pp. 35, 43-47) considerable portions of the text are thus retranslated into Hebrew or omissions by Ibn Tibbon restored. It should here be stated that some of Yahuda's substitutions will not be accepted as an improvement upon Ibn Tibbon. Thus for example מאמרים חיצונים (p. 34) is not equivalent to شَوَادِّ الْحَدِيثِ; read מאמרים זרים P. 44, l. 2: The Arabic وَفَوَّعِ الْهَمَّةِ, people of low desires, cares or ambitions, is fairly well rendered by Ibn Tibbon's שפלה נפשם (see *Abot*, V, 19), while Yahuda's עצמתו שפלה is unintelligible.

Ibn Tibbon's **לבוש** may not be a literal translation of **فراغهم**, otium, leisure, but it certainly expresses Baḥya's idea better than the literal **ריקנות** of the editor (p. 44, l. 5). **המסתפק במספיק ממנו** is a slavish but more correct translation of **القانع بيسكفها** than **מי נשכמטג ידו שמה** (p. 45, l. 3); a noun **משג** does not exist. That Ibn Tibbon put **העובר** for **الساعي لها** (*ibid.*, n. 8) is quite improbable and the reading of the editions: **העובר** seems to be correct, meaning he who in enjoying worldly goods goes beyond that which is necessary for the sustenance of life. This meaning, like that supposed by Yahuda, is not warranted, however, by the Arabic text, as the equivalent of which we should expect **רץ אליו** (comp. Isa. 59. 7; *Abot*, IV, 2). The phrase **שאלתו למורים** for **سألتهم لتعلم** (p. 46, l. 3) is less accurate than Ibn Tibbon's **שאלתו** **ללמוד**, i.e. the pious man's question is in order to learn, not in order to embarrass. The imitation of Baḥya's rhyme is here quite immaterial. Untenable is the phrase immediately following **עצמתו כבירה** for **وَتَمَيَّقَ عَزْمُهُ**, he is firm in his decision. Ibn Tibbon's **הסכמתו חזקה** is certainly better. The proper equivalent would be **החלטתו חזקה**. For **אינו קשה** (*ibid.*, l. 6) read **אינו גס**; the word **גס** is not construed with **ל**, nor is it used in the sense here required.

The most valuable part of the introduction is the third chapter (pp. 53-113), which deals with the Mohammedan sources drawn upon by Baḥya. Here, to use a rabbinical phrase, Dr. Yahuda is 'like one who tills his own soil'. His exceptional knowledge of classic Arabic literature and his familiarity with the specific idioms and technical phrases used by the different theological schools in order to designate certain trains of thought which were common and understood only among their disciples, enable him to throw new light on many passages, which would otherwise not be fully understood even in the Arabic original and still less in Ibn Tibbon's translation. One instance will suffice for illustration. In describing the *Zāhid* (pious, abstinent person) Baḥya says of him (*Hidāya*, IX, 4) that he is **مُتَخَالِطٌ لِأَهْلِ الذِّكْرِ**, literally, 'he associates with people of remembrance', which Ibn Tibbon renders by **חבר למוכירים**. The idea

becomes clear when we are shown (p. 47, n. 5 ; 98, n. 1) that in Mohammedan sources *اهل الذكر* designates pious Moslems, who assemble regularly for common prayers, during which they repeatedly invoke (remember) God with the phrase *لا اله الا الله*, there is no God besides Allah.

A special feature of Bahya's work consists, as has already been noted, in the numerous quotations from the works of the Arabs of beautiful ethical and philosophical sentences, parables, and anecdotes, which lend particular charm to the author's expositions. These quotations, numbering over a hundred, are all anonymous, and no systematic attempt has yet been made to trace them to their respective sources. Yahuda for the first time undertakes this rather difficult task. Leaving out general applications of phrases, figures of speech, parables, etc. of the Korân, New Testament, and other sources, which are too numerous to be considered in detail (comp. p. 69 f., 77, n. 1 ; 82, n. 2), he takes up only the direct quotations, which are usually introduced by the phrase 'said one of the worthies, one of the pious, the wise men', and identifies their respective authors, or at least shows parallels in Mohammedan literature.

It is not within my province to enter upon a detailed analysis of this part of Yahuda's work. I wish to add, however, a few remarks, which have a close bearing upon the subject and may prove of some value to those interested in Judæo-Arabic literature. In the first place it should be stated that the Hebrew quotation in the name of 'one of the worthies' (*Hid'ya*, IV, 6, end) is taken from Saadia's famous prayer, beginning *אֵתָהּ הוּא יְיָ לְבָרֵךְ* (published in *נאוֹת קְרֻמוֹת* by Judah Rosenberg, Berlin, 1856, pp. 74-7 ; the passage is on p. 76, l. 29 ff. ; comp. Dukes, *נחל קְרֻמוֹת*, 26, 42 ; Landshuth, *עֲמֻרֵי הָעֲבוּרָה*, 293). In Bahya's quotation the passage is given more fully and correctly and the prayer ought to be corrected accordingly. Dr. Yahuda, likewise, passes over in silence the interesting reference to a pious man who used to say in his prayer 'O Lord ! where shall I find Thee and where shall I not find Thee ! Thou art hidden and invisible and yet the whole universe is full of Thee' (*Hid'ya*, I, 10, p. 82, l. 7 f. ;

Hobot, ed. Jellinek-Benjamin, p. 81). This is essentially identical with the beginning of Judah Halevi's famous poem for Simḥat Torah: **יֵה אִנָּה אִמְצֵאךָ מִקֹּמֶךָ נִעְלָה וְנִעְלָם וְאִנָּה לֹא אִמְצֵאךָ כְּבוֹדךָ** : Torah : **מִלֵּא עוֹלָם** (ed. Brody, III, 2, No. 82). Did Bahya have Judah Halevi in mind? It should also be noted that Bahya's comparison of those who learn the text of the Bible by heart, without attempting to comprehend its meaning, to 'an ass carrying books' (**חֵמָר חָמֵל אִסְפָּרָא**) ; *Hidāya*, III, 4, p. 141, l. 5 ; ed. Jellinek, p. 150) is a popular proverb found in the works of contemporary and later authors. Abraham Ibn Ezra (**יִסּוּד מוֹרָא**, ch. 1) has 'a camel carrying silk', while Naḥmanides (Intro. to Maimonides' **הַמְצוּת** (ס') and Menaḥem Meiri (see **דּוּקָה** in II, 114) agree with Bahya.

Dr. Yahuda often goes too far in his identification of Arabic dicta with some passages of the Talmud. Thus the sentence attributed to Lokmān (Balaam) in Ḥonein's *Nawādir al-Falāsifa* (**מוֹסְרֵי הַפִּילֹסוֹפִים**, Frankfort-on-the-Main, 1896), II, 12, No. 3, has nothing in common with **אָדָם נִכְרַ בְּכֹסוֹ וּבְכִיסוֹ וּבְכַעְסוֹ** (b. Erubin 65 b), as claimed by the editor (p. 54, n. 2). The sentence is found almost verbatim in **מִבְּחַר הַפְּנִינִים**, end of § 43, and forms § 121 in the **סֵפֶר הַסִּדְרִים** (ed. Berlin) of Judah Ḥasid, who would certainly not have failed to recognize in it the Talmudic passage, if there was any relation between the two ; comp. also Steinschneider, *Hebräische Bibliographie*, IX, 51. Similarly unfounded is the identification in the same note of *Musre* (so, not *Musāre*, as Yahuda quotes repeatedly), II, 12, No. 19 (**אֵל תְּהַדְרֵר**) with the rabbinic phrase **כְּבוֹדוֹ שֶׁל אָדָם** (b. **לְעֵלּוֹת בַּמְּקוֹם גְּדוֹלִים**, etc.), with the rabbinic phrase **כְּבוֹדוֹ שֶׁל אָדָם**. The former is a free reproduction of Prov. 26. 6-7. P. 55, n. 1, the author might have mentioned that Ibn Ḥisdai himself in his introduction to **זִרְקָה מֵאִנִּי** explains to the reader the reason that made him substitute Jewish sources for those used by Ḡazzālī ; comp. *JQR.*, 1910, p. 160, n. 15. The comparison of the human body to a house inhabited by the soul (p. 71, bottom) is a frequent occurrence in the works of mediaeval authors, e.g. Joseph Ibn Šiddīq, **עוֹלָם קָטָן** (Breslau, 1903), p. 33, top ; 42, l. 8 ; Abraham Ibn Ezra, Introduction to the Commentary on Ecclesiastes

who quotes for it Daniel 2. 11; Shem Ṭob Palquera, מבקש, (The Hague, 1777, p. 47 a; comp. my essay on the subject, *JQR.*, 1912, pp. 459, 463, n. 26. The theory that the Greeks and other nations took their wisdom from the Jews is very widely spread in Jewish as well as Christian mediaeval literature, especially in the works of the Church-Fathers, who probably took it from Philo. The idea is thus much older than Moses Ibn Ezra, referred to by Yahuda, p. 73, n. 2. In a note, *JQR.*, 1910, p. 167, I have given numerous references to the literature, to which may here be added: Simon Duran, מנן אבות, Leghorn, 1785, fol. 30 a, who discusses the matter at considerable length; Guttman, *Die Religionsphilosophie des Abraham Ibn Daud*, p. 53, note.

A strange mistake was made by the editor in connexion with his statement that many Islāmic *Traditions* (Ḥadīṭ) have their origin in Talmud and Midrash (p. 74, n. 1). He quotes an article on the subject by the late Prof. Barth (Berliner-Festschrift, Frankfort-on-the-Main, 1903, pp. 33-40), where we are supposed to read that 'Abdallah b. Salām, a Jewish convert to Islām, described the Jews to Mohammed as 'a hasty, thoughtless people' (قوم بُهْت), a phrase which, as Yahuda properly remarks, is used with reference to the Jews also in the Talmud (עמא פויא, b. Shabbat 88 a). Yahuda, no doubt, took the whole matter from some other source, probably Al-Boḥari, as there is no trace of it in the article of Barth. He further misunderstood another passage which he quotes in the same note from that article. 'Abdallah b. Salām, before embracing Islām, is reported to have tested Mohammed's prophetic qualities by placing before him three questions, one of which was: 'Whereof consists the first meal served to the righteous upon their entering Paradise?' Mohammed answered that it consists of the 'caul of the liver of a fish' (زِيَادَةُ الْكَبِد). Partly on the strength of this answer 'Abdallah is said to have recognized Mohammed as a prophet and accepted Islām. Yahuda, in interpreting the story, thinks that the convincing force in Mohammed's reply was his use of the phrase just quoted, which, according to Yahuda, is a Hebraism corresponding to the Biblical יִתְרַת הַכֶּבֶד (Exod. 29. 22, and *passim*)

and of which Mohammed could know only by divine inspiration. It is evident, however, from the context (see Barth, *ibid.*, p. 35, No. 2), that the Jewish element in the Prophet's answer was not the use of the word *ziyādah* (not *zāidah*, as Yahuda has it), but the mentioning of the *fish*, which was in strange harmony with a rabbinic tradition, according to which God is to prepare a meal for the righteous of Israel from the meat of the (fish) Leviathan (Baba batra, 75a: עתיד הקב"ה לעשות סעודה לצדיקים; מבשרו של לויתן). As to the word *zād*, it should be noted that it is used for יותר in all the passages where the latter occurs in the Bible, so by Saadia and Hefes b. Yaşliaḥ (*JQR.*, 1915, p. 374, l. 2), and also in the recent Christian Arabic translations of the Bible. In connexion with the subject of Haggadic elements in Islām reference may be made to an interesting Midrash (Genesis Rabba, ch. 20, § 12) quoted by Goldziher from the works of the 'Iḥwân al-ṣafâ (*REJ.*, XLVII, 46); comp. also Grünbaum, *ZDMG.*, XLII, (1888) 291-4.

The sentence *אבות גבור הכובש את יצרו* *Abot*, IV, 1), which is attributed by Ġazzâlî (*Mukāshafat*, p. 9) to Mohammed, is quoted by the same author also in his *Mizān al-'amal*, p. 61, l. 10 f., which is overlooked by Yahuda, p. 74, n. 2. Here the sentence reads *الشديد من ملك نفسه عند الغضب*, and the author does not quote the verse from Prov. 16. 32, which, however, is added by Ibn Ḥisdai, *מאורי צדק*, p. 67. Ġazzâlî's exposition in this place is the source of Ibn 'Aḳnin, *ספר מוסר*, p. 108. Like Ġazzâlî, he there compares the cognitive soul to a hunter and the spirited soul to the hunter's dog, who assists his master in running down the game; comp. *Kuzari*, III, 5. The whole idea is of Platonic origin.

The two sentences discussed by Yahuda on p. 79 and p. 92, of which the first is generally ascribed to Jesus and the second to 'Alî, the son-in-law of Mohammed, or also to Jesus, should have been treated together as one. Though they differ in form, they both express the same idea, which is no doubt of Hindoo origin, as are some other sentences which were ascribed to Jesus (see Yahuda, p. 80 f.). In its epigrammatic form the sentence

occurs in the Hindoo romance 'Prince and Dervish', in Hebrew, *בן המלך והנזיר*, ch. 14, where it reads: 'This world and the world to come are like two women rivals; if you show love to the one, you provoke the other'. The moral lesson the sentence intends to convey is that one should not indulge in worldly pleasures, as they will inevitably make him neglect his religious duties. Essentially the same thought is contained in the more prosaic sentence quoted on p. 79: 'Said 'Isâ (Jesus), son of Maryam (Mary), it is impossible that the love of this world and of the future world dwell as one in the heart of the believer, just as it is impossible for fire and water to be together in one vessel'. In mediaeval Hebrew literature both sentences occur in a variety of forms, also in rhyme (Palquera, *מבקש*, 8a; *JQR.*, 1910, p. 158, n. 10), all of which, including that of the New Testament (James 4. 4), go back to an early common source. My previous assumption that Ġazzâlî was here the source of Baḥya (*JQR.*, 1911-12, p. 470) accordingly loses in probability. Ġazzâlî, *Mizân*, 147; מאוני, 157, has besides the comparison to two women rivals (مَرْتَان), also that to the two scales of the balance (كَيْتِي مِيزَان) and to East and West, and there is no obvious reason why Baḥya should have omitted these points. On the other hand, he agrees literally with the sources quoted by Yahuda, p. 92, nn. 1-3.

In the discussion of the phrase *جعلت معبودك نفسك* (p. 85, n. 1), 'thou hast made thyself the object of thy worship', one misses a reference to *Hidāya*, IX, 2, p. 359, l. 4; *Hobot*, ed. Jellinek-Benjacob, p. 404: *עושים במניהם אלהיהם*, which tallies better with the quotation in *Mizân* 59, 5; 62, 5 (comp. Yahuda, 45, 6).

The sentence in *Hidāya*, VI, 5, beginning, regarding the filthy origin of man, which is traced to 'Abû Bakr, the first Caliph (p. 88, n. 4), is quite popular in the works of mediaeval Hebrew authors; see the references given by Ginzberg, *הצופה מארץ הגר*, III (1913), 124; Goldziher, *ZDMG.*, LXVII (1913), 533.

'Mohammed is said to have fixed the ways of belief at seventy' (p. 89, n. 3). In the passage, *Mizân*, 42, 4, which is the source of Yahuda for this statement, we read 'seventy odd' (بضع وسبعون), for which Ibn Hisdai, מאוני, 46, 10, puts *חמשה ושבעים*. This is

of some significance, as we would otherwise take seventy as a round number, which plays an important part also in rabbinic literature; comp. Schechter, *אגרת שיר השירים*, Cambridge, 1896, pp. 50-2. A somewhat similar idea is expressed in the phrase *שבעים פנים בתורה* (Midrash rabba to Numbers 7. 19), of which the view ascribed to the prophet may be a modification.

In opposition to the advice of fast walking (*Hidāya*, VI, 10), traced by Yahuda (p. 89, n. 4) to the second Caliph, 'Omar I, Al-Muṭarrif Ibn Al-Shihhār (quoted by Ibn Ḳutaiba, '*Uyūn al-aḥbār*', ed. Brockelmann, p. 375) is related to have admonished his son against immoderate exertion in the discharge of his religious duties, saying that 'the worst kind of journeying is that in which the beast is made to over-exert himself' (شر السير الحَقَقَة; comp. *JQR.*, 1910, p. 485, n. 88). Goldziher, *Muhammedanische Studien*, II, 398, quotes the same saying in the name of Ḥasan Al-Baṣrī (641-727), one of the pillars of Islām. This is in keeping with the *real* meaning of *واقِد في مَشْيِكَ* 'be moderate in thy pace' (Ḳorān 31. 18). The Talmud, likewise, forbids a *פסיעה נסה*, 'big step' (Ta'anit 10 b). *Abot*, IV, 2 (הוי רץ למצוה), is figurative speech.

Baḥya's beautiful description of the *Zāhid*, or ascetic (*Hidāya*, IX, 5), for which Yahuda (p. 93 f.) quotes parallels from pseudo-'Alī literature, resembles in many points the characterization of the perfect man by Ibn Sinā; comp. A. F. Mehren, *Vues théosophiques d'Avicenne*, Louvain, 1896, p. 27.

In speaking of the afore-mentioned Ṣūfi Ḥasan Al-Baṣrī as one who recommended the virtue of considering everybody as superior to oneself (p. 98), the author overlooks that the same admonition is given with much additional detail by Baḥya, VI, 10 (*Hidāya*, p. 279, 10).

Mohammed is reported to have praised as a model of piety a certain man who upon rising in the morning declared all the insults he may have to endure during the day at the hands of his fellow-men as forgiven and non-existent (p. 100 f.). This is probably of Jewish origin. In b. Megillah 28 a, it is told of Mar Zuṭra that when he went to bed he used to say every evening

'May God forgive every one who has offended me'. The same is told in a different form of several other teachers of Mishnah and Talmud; see b. Ta'anit, ch. III, near end; Jellinek, בית המדרש, II, 68, where the editor's correction of מַטְחוּ to שָׁפְחוּ is a mistake; comp. Ginzberg, *MGWJ.*, LVI (1912), 44. Moreover, on the basis of the Talmudic passages a prayer was adapted and embodied in some of the daily prayer-books (see Baer, עבודת ישראל, p. 572) to be recited every evening before going to bed, in which the individual gives general pardon to all who may have sinned against him during the day. That the Mohammedan version has morning in place of evening, is not surprising. The Arabs did not get their knowledge of Jewish matters directly from the original sources, but through occasional conversation with Jews, and they seldom got a thing right. Often they also changed the reports received to suit their own taste (comp. Yahuda, p. 78, no. 1).

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A considerable number of misprints both in the text and the introduction mar a little the otherwise beautifully printed work. In some instances the author seems to have quoted passages of Bible and Talmud from memory, which caused inaccuracies. Here only some of the more irksome mistakes may be pointed out.

P. 32, 9, read וַחֲתוּלוֹ. P. 42, 17, read רַרַּו, instead of רַרַּו. P. 44, n. 8, read: 'T. las אֱלֹהֵימָהּ statt אֱלֹהֵימָהּ'. P. 45: note 4 belongs to בַּשְּׁבִילֵי, line 4 of the text. P. 46, n. 2, read זִכָּר. P. 56, last line, read Barlaam und Joasaf. P. 59, n. 2, beginning, read 'Abd-al-Qâhir. P. 75, first line of the note from p. 74 read 'oben p. 54, note 2'. *Ibid.*, l. 13, read Qidduschin 22 b. P. 83, n. 2: the passage is not in 'Midrasch rabba zu Gen. 43', but in Talmud Berakot, 43 b. P. 84, n. 1, l. 11: here again the passage is not in 'Midrasch rabba zu Gen. 34' (*sic!*). *Ibid.*, n. 2, l. 3, place אַכְרֵי after אֶכְרֵי, before 'Variante'. P. 85, n. 1: the sentence quoted from Sotah 5 a, does not occur there in the form given by the author. *Ibid.*, n. 2 (p. 86): a verse יִשְׂרָאֵלִים יִשְׁלָחוּ בָם does not exist; the author probably had in mind Hosea 14. 10. P. 86, n. 1, last line, read *Zeitschrift für hebr.* P. 87, l. 3 from below read 'רַרַּו, 3 von unten', instead of 'רַרַּו, 10'. One misses

here also a reference to the passage in *Ḳiddushin*, 31 a מצוה גדול
 ועושה ממי ש ינו מצוה ועושה. P. 95, n. 2: 'Abboth des Rabbi
 Nathan, 28' does not bear out the author's contention, as no
 numbers are given in that passage. The elaborate form of the
 Baraita is in *Ḳiddushin* 49 b; Esther rabba, I, § 17. *Ibid.*, last
 line of the note, read '*Monatsschrift für die Geschichte und
 Wissenschaft*—274'. P. 97, n. 2 of p. 96, for Hudaifer read Hudāifa.
 P. 103, 10, read Muṭarrif. *Ibid.*, n. 1, line on 1, read حقيقة.
 P. 110, 16, and n. 1, line 9; it is not obvious to which works of
 Rosin and Reifmann the author refers. Text, p. 81, letter f: the
 passage as here quoted is not in Meg. 18 a (not 18 b), but Jerush.
 Berakot, XI, beginning. P. 226, n. 15, mention should have been
 made that לא הסבמתי in the Hebrew editions near the end of
 שער הבטחון is meaningless and must be read לא השבמתי = لَمْ أَصْبَحْ;
 comp. the discussion of that passage, Introduction, p. 96, n. 1.

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RECENT HEBRAICA AND JUDAICA

Monumenta Talmudica. Erster Band : Bibel und Babel. Bearbeitet von SALOMON FUNK, Rabbiner in Boskowitz. Wien und Leipzig: ORION-VERLAG, 1913. pp. vii + 346. (Four fascicles.)

Monumenta Talmudica. Zweiter Band : Recht. Bearbeitet von SALOMON GANDZ. Wien und Leipzig: ORION-VERLAG, 1913. pp. xvi + 80. (One fascicle.)

THE Talmud, owing to the nature of its origin, lacks a logical arrangement of subjects. In academic discussions irrelevant arguments are bound to crop up now and then, and the Talmud accordingly abounds in digressions. Thus, while treating of the principal laws of damages, the Amoraim find analogous points in the principal laws of defilement. One thought suggests another, and many laws, which at first sight appear entirely different, are shown to be similar and to be derived from one principle. It may be said that almost immediately after the conclusion of the Talmud, about 500 C. E., the problem of re-arranging that vast literature occupied the minds of Jewish scholars. The *Halakot Gedolot* was no doubt an attempt in that direction. Notable success was later on achieved by Isaac al-Fasi with his Compendium. The compendia and codes, of which there is a vast literature, had it as their object to classify the halakic matter of the Talmud, as that branch was considered by far the most important. But the haggadic part, too, found its 'redeemer', and the '*En Ya'aqob*', compiled by Jacob Ibn Ḥabib, has deservedly enjoyed great popularity. In modern times scientific monographs have appeared now and again on special subjects in the Talmud. The investigation of medicine by Preuss may be mentioned here as a remarkable achievement. All these attempts, however, important though they are, have not exhausted all the subjects dealt with in the talmudic literature. With the advance of Jewish

learning the need was felt of making the contents of the Talmud accessible to more students than those that are willing to devote their entire life to the study of this vast subject. Two possible methods immediately suggest themselves for the purpose of carrying out such a plan, both fraught with almost insurmountable difficulties. The most natural method would be to publish a critical edition of the Talmud in its present form and provide it with thoroughgoing and exhaustive indices which would enable the reader to find the passages needed for his researches. The excellent index volume of the *Kitab al-Agani* proves that a great deal can be done on these lines, although one would readily admit that the difficulties in indexing the Talmud are not to be compared with those of the former. The second method is to classify the Talmud according to subjects and to edit each class separately. Certain advantages would be derived from such a treatment, as the student would have all the passages arranged for him. It is, however, almost inconceivable that a method could be devised whereby all passages would be included, for a great number of them defies all attempts at classification. It is the second course which the editors of the *Monumenta Talmudica*, Drs. S. Funk, W. A. Neumann, and others, have adopted. The plan is well conceived, but we shall presently see what degree of success is likely to attend its execution.

According to the prospectus issued by the editors all the subjects are to be divided into six general groups: I. Bibel und Babel; II. Recht; III. Theologie; IV. Volksüberlieferungen; V. Geschichte; VI. Profanes Wissen. These general classes are subdivided into various sections and subsections which seem to overlap. As only the first volume (Bibel und Babel) and part of the second have hitherto been published, it is hard to judge whether all the ground will be covered. But the observation may be hazarded that, unless the editors are not too strict with their classifications, many a passage will have to be excluded. A still more serious objection may be raised against the title of the first volume. *Bibel und Babel* is no subject by itself as compared with law, theology, and the others. At the beginning of

this century this was the title of a controversy that raged among Assyriologists, owing to a theory advanced by Friedrich Delitzsch, but one fails to see how this can be regarded as a suitable title for classifying talmudic passages. All the references to Babylon and the Babylonians could easily be grouped under the heading of history, which, according to the prospectus, contains: A. Greeks and Romans; B. Iranians; C. Jews. It seems quite obvious that the Babylonians ought to find a place among these nations.

But disregarding this meaningless title, we may proceed to examine the contents of this volume, the publication of which has already been completed. In order to give the reader an idea of the variety of subjects incorporated in this volume, I shall quote the principal parts of the table of contents, omitting the subsections, which are extremely numerous. A. Land und Leute: I. Name des Landes Babel; II. Gewässer; III. Fruchtbarkeit; IV. Bewirtschaftung; V. Verkehrsmittel; VI. Steuern; VII. Wohnungen; VIII. Städte; IX. Bevölkerung; X. Kulte. B. Babylonische Geschichte: I. Assyrisches; II. Neubabylonisches; III. Medopersisches Reich—Chron. Zusammenfassung. C. Weltbild: I. Himmlische Weltordnung: 1, Schöpfung; 2, Himmel; 3, Gestirne; II. Irdische Weltordnung: 1, Erde; 2, Bedingtheit des Irdischen; 3, Land Israel. D. Weltanschauung: I. Astrologie und babylonische Astronomie; II. Das Buch der Weisheit; III. Abbilder der Weltordnung: 1, Der Mensch; 2, Salomons Thron; 3, Salomons Hippodrom; 4, Heilige Zahlen. In going through this multiplicity of disconnected headings one is tempted to remark, even at the risk of being considered flippant, that the compiler chose the title *Bibel und Babel* in accordance with the etymology of the name Babel given in Gen. 11. 9. There is nothing but confusion and chaos. By adding a few more headings Dr. Funk might easily have included the entire rabbinic literature in this volume. It is pan-Babylonian with a vengeance—in a new sense. It is almost a kind of practical application of Jensen's theory expressed in his book *Das Gilgamesch-Epos in der Weltliteratur*.

If the grouping of subjects in this volume is termed chaotic,

there is no adjective to designate the passages themselves that are inserted under the various headings. A sign of interrogation constantly shapes itself in the reader's mind. Some of the passages appear to have been put there to fill up space. In many cases it is hard to discover the relation between the headings and the passages. Nor is there any attempt made to exhaust all passages referring to a certain matter. In a quite arbitrary manner the compiler quotes a few sentences, and then passes on to another subject. Thus in enumerating the Babylonian towns mentioned in the Talmud, he inserts eighteen references to the town of Maḥuza, and one fails to understand why he just included those and excluded a great many others, as for instance those of Baba meṣī'a 77a and Baba batra 7a. The former especially would be a very appropriate description of Maḥuza, and should certainly have been inserted here. It is true that this passage is actually given later on under the heading of *Beschäftigung*, No. 451 (p. 80); but Dr. Funk has no scruples about quoting a reference twice. Comp. Nos. 110 and 222 which are identical. Similarly No. 259 is part of 161. As if he desired to startle the reader all the more, Dr. Funk begins his series of references to Maḥuza with a passage in which that town is not mentioned. That passage reads (קוצות וכו'כיות) רבא שרי להו ברגלת (No. 201). To justify this intrusion, Dr. Funk in his translation adds after *Raba* the words *der in Machuza wohnte*. But why just this passage, and not hundreds of others of a similar character? Nor is there any consistency or system in the manner of quoting the passages. Some of them are given in their entirety, although only one or two words are necessary for the classification, while of others the compilers sees fit to quote merely a few words which do not even form a complete sentence. Examples to illustrate this lack of system can be found on almost every page. Thus No. 143 refers to the town of Dewil, and the entire passage is given; but No. 144 only has רב איקלע לרמיהיא (the *dagesh* in the *ק* is omitted throughout!), while No. 146 consists of רב הונא רב המנונא איקלע מדיסקריא. No. 152 begins with the words לרמיהיא, and here the entire narrative is given. But No. 278,

which begins in a similar way (רַבִּינָא אִיקְלַע לְסוּרָא דְּפֶרֶת), is cut off abruptly, although in the next sentence that town is mentioned once more in a manner which in other cases is given by the compiler as a special paragraph. Such fragmentary sentences do not convey anything to the reader, and as they are not exhaustive, they are not of great use. A much greater service would have been rendered by Dr. Funk had he furnished a complete index of all the names of places mentioned in the Talmud. In a few cases the compiler considered it advisable to affix Rashi's notes at the end of the passages, but no reason can be discovered why just these notes and not many others of a similar nature. Thus in No. 342 he gives part of Mishnah Kelim 23, 2 on account of the words וּמְדוּכָה הַפְּדִיָּת mentioned therein, and there is no need to adorn the text with Rashi's note. Had Dr. Funk been consistent, he might have added notes of mediaeval Jewish commentators to every passage. In No. 612, which is also one of the few 'superior' paragraphs found worthy to be embellished with Rashi's note, Dr. Funk mistranslates a very easy sentence. The entire passage consists of מַאי פְּרוּהָ אָמַר רַב יוֹסֵף פְּרוּהָ אֶמְנוּשִׁי [רש"י מאי פְּרוּהָ אָמַר רַב יוֹסֵף פְּרוּהָ אֶמְנוּשִׁי] (Yoma 35 a). This is classified under the heading of *Kultur* of the Medo-Persian empire. Rashi's sentence is rendered *Ein Baumeister, der ein Zauberer war und Parwah geheissen hat*. But the word בְּנָאָה is a verb, and not a noun. It should be vocalized בְּנָאָה, and the sentence is to be translated: *a certain magician named Parwah built it*. [A builder is בְּנָאִי, not בְּנָאָה.]

It is hard to say how far Dr. Funk co-operated with his colleagues who are to compile the other volumes, and consulted them about the general arrangement, but it is obvious that he encroached upon the provinces of others. A glaring instance is No. 347, which is a long passage from 'Abodah zarah 2 a and b. There can be no doubt that the greater part of it belongs to Roman history. Similarly No. 501 is a proverb, and should be incorporated in volume IV, class E of which, according to the prospectus, is to contain: *Rätsel, Fabel, Sprichwörter*. Now Dr. Funk classifies this passage under the heading of *Assyrisches*

Reich (Sennacherib), although the reference to Assyria occurs only in the biblical quotation, and has nothing to do with the talmudic statement. Some references are given inaccurately. Thus No. 74 does not occur in *Baba mešī'a* 106 b, as stated by the compiler, but in *Baba batra* 8 a. Part of this paragraph is also quoted in *Baba mešī'a* 108 a.

Examples to illustrate the lack of system in this volume can be given by the hundreds, but the few instances that have already been cited will suffice to show how little Dr. Funk contributed to the logical and scientific arrangement of rabbinic literature. In justice to him it may be said that the fault is not entirely his. When one begins with an impossible classification, one is bound to be driven to all sorts of absurdities. And it should also be observed that the part dealing with Babylonian history is, with the exception of a few irrelevant passages, fairly well done. But why take such a vague and inappropriate title?

In a work of such magnitude minor details may perhaps be overlooked. Nevertheless attention should be drawn to the fact that the vocalization of the texts is far from satisfactory, especially as this feature of the work is emphatically referred to in the preface. Scholars often experience difficulties in punctuating the Aramaic dialect of the Babylonian Talmud, and tradition can certainly not be relied upon. At the same time a certain degree of accuracy can be attained by a judicious comparison of biblical Aramaic, Syriac, and the other dialects. The grammars of Levias and Margolis are of great service. Of recent years many Genizah fragments have been published which help to establish the exact vocalization of some doubtful words. There is, therefore, no excuse for offering an inaccurate vocalization. Moreover, in this volume errors occur even in biblical words. Before giving some characteristic examples of the mistakes which can be found on every page, I should like to remark that, according to the preface, Dr. Funk is not responsible for this part of the work, as the texts were vocalized by Prof. Dr. M. Berkowicz. In the following notes the first and second numbers refer to the page and line, respectively. *בְּקֶרְדִּימוֹת* (1, 2) should be *בְּקֶרְדִּימוֹת*. The only exception is

Jud. 9. 48, which is probably corrupt. The form גָּלִי (2, 3) does not suit the context; read גָּלִי or גָּלִי. Instead of לְמַטְעֵתָן (3, 15) read לְמַטְעֵתָן. From Ezekiel 13. 9 we know that the construct state of כָּתֵב is כָּתֵב, not כָּתֵב (3, 15). The punctuation of לְיִחְסִין (4, 16) cannot be justified; read לְיִחְסִין. It is a form like יִלְךְ, which mediaeval grammarians used to explain as shortened from מִילְךְ. It was, however, shown by Barth in his essay *Das passive Qal und seine Participien* that it is the old passive participle of Kal. A sieve in Hebrew is כִּבְרָה, not כִּבְרָה (5, 4). As the root of גֹּב a den is גָּב (comp. Arabic جَبَّ and Aramaic ܓܒܐ), it should be vocalized גֹּב, not גֹּב (6, 2). See Dan. 6. 13. טַעִינָא is an active participle + אָנָּה, and should be vocalized טַעִינָא, not טַעִינָא (7, 25). As the root of מִלְחָה is מָלַח, it should be דְּמִלְחָה, not דְּמִלְחָה (9, 11). יְחִירְתָּא (9, 12) is plural, and therefore cannot qualify יְחִירְתָּא which is singular; read יְחִירְתָּא. For דְּבַעִינָא (10, 1) read דְּבַעִינָא. Genizah fragments have אִינְשִׁי; we should therefore vocalize אִנְשִׁי, not אִינְשִׁי (11, 2 and elsewhere). This vocalization is also borne out by Biblical Aramaic, Arabic, and Syriac. For קִימָא (11, 6) read קִימָא, as it is an active participle. מָטָא (11, 15) is an impossible form; read מָטָא. Instead of הָלַת (12, 13) read הָלַת. For וְרַעָה (14, 8) read וְרַעָה. For בְּבִלְיָא (16, 2) read בְּבִלְיָא. From 2 Chron. 19. 7 we know that we ought to vocalize לְמַחֵה, not לְמַחֵה (17, 5). Instead of אִיחְמִי (18, 11) read אִיחְמִי. For the impossible חִי (23, 4) read חִי. In an Aramaic text עֲבָרִי (24, 9) is out of place; read עֲבָרִי. For דְּקוּלְאִי (25, 7) read דְּקוּלְאִי which is a well-known *nomen agentis* in Aramaic. The same word is vocalized דְּקוּלְאִי (79, 19), which is a tribute to the punctuator's consistency and accuracy. For עִבְרָךְ (27, 5) read עִבְרָךְ or עִבְרָךְ. For וְנִשִּׁי (27, 7) read וְנִשִּׁי. Instead of בְּיוֹפִין (29, 1) read בְּיוֹפִין. The Waw is merely a *mater lectionis*. רוּחַ (29, 9) is a participle, not a noun; it should be vocalized רוּחַ, not רוּחַ. There is no way of parsing a form like מְסַפְקָא (31, 19); read מְסַפְקָא or מְסַפְקָא. In the next line read מְסַפְקָת, not מְסַפְקָת. From Syriac we know that the correct vocalization is דְּכַתָּא, not דְּכַתָּא (33, 6). The latter is traditional; but comp. also Arabic ذَكَتْ and ذُكِّلَ. The root of צָרִי they tied up is צָרָה; hence read צָרִי, not

צרו (34, 11). Read מְצִינָא instead of מְצִינָא (38, 15). For דְּמַפְקָא (40, 9) read דְּמַפְקָא. A peculiar error is וְפִא' (45, 16) for וְפִא'. For סְבוּלָאָה (46, 15) read סְבוּלָאָה. An *entrance* in biblical Hebrew is מְבוֹא, which becomes מְבוֹי in the Mishnah. Comp. בְּרִיָּאָה and בְּרִיָּה. Hence מְבוֹי (46, 20) is impossible. For עֲמוּרָאִי (49, 4) read עֲמוּרָאִי. Instead of בְּחוּלָא דְמוּעָרָא (53, 7) read בְּחוּלָא. As נחית is no doubt a perfect, it should be נְחִית, not נָחִית (54, 18 and elsewhere). An impossible combination is שְׂאִינוּ מְקוּרָה (57, 11); read מְקוּרָה. For כְּעוּשָׁרָה, כְּיוּפָה (58, 13, 14) read כְּיוּפָה, respectively. As מְדוּר (64, 22) is construct state, it should be מְדוּר, not מְדוּר. All available data, manuscripts and the cognate languages, prove that we should vocalize לְשָׁנָא, not לְשָׁנָא (66, 24). Comp. Dan. 3, 29. For מְצִינָא (69, 21) read מְצִינָא. Instead of וְרִשְׁאִין (74, 10) read וְרִשְׁאִין. Read נְחוּתִי for נְחוּתִי (78, 11 and elsewhere). Instead of עֲקָרָה (80, 15) read עֲקָרָה. הַמְבוּיוֹן (82, 23) should be הַמְבוּיוֹן. The plural of סִלְתָּ should be סִלְתוֹת, not סִלְתוֹת (83, 16). For רִיבָה (84, 31) read רִיבָה. (See my essay 'The Participial Formations of the Geminat Verbs', *ZAW.*, 30, p. 222.) A comparison of אָנִי and אָנִי would clearly show that we have to vocalize אָנִי, not אָנִי (86, 4). For מְיוּקָר (92, 10) read מְיוּקָר. From Jud. 14, 8 we know that the correct vocalization is מְפִלָּת, not מְפִלָּת (93, 17). The perfect Nithpael of נָאָה is נִתְנָאָה, not נִתְנָאָה (97, 14). The form אִיתִיבִיָּה which occurs frequently in the Talmud is no doubt Afel of תוּב. It should therefore be אִיתִיבִיָּה, the Yod representing a vocal shewa, or at the most אִיתִיבִיָּה, but not אִיתִיבִיָּה (106, 15). The last would suit a fanciful etymology אִיתִי בִיָּה. The form אִפְּלוֹ instead of אִפְּלוֹ occurs several times in this volume, e.g. 107, 2. The Hifil הִשְׁמִיעִי does not suit the context of 116, 15, 16. Read הִשְׁמִיעִי. For מְפִנָּה (118, 14) read מְפִנָּה. The form תְּמִנִּי (138, 20) is impossible; read תְּמִנִּי. For אִמְנָתוֹ (181, 7) read אִמְנָתוֹ or אִמְנָתוֹ. Comp. Cant. 7, 2. נְבִרָאָה (183, 7 and elsewhere) represents the so-called 'traditional' pronunciation; read נְבִרָאָה. For נְפִקָּה (187, 24) read נְפִקָּה. As הַבְּנָאִי (189, 15) is a *fa' 'al* form, it should be הַבְּנָאִי, not הַבְּנָאִי. Read יְרוּקִין, יְרוּקִין for יְרוּקִין, יְרוּקִין (191, 11, 12), respectively. Because Prov. 6, 6 and other verses have וְתִכְסֶּם in a pause, there is no reason why this should be

so vocalized in the middle of a sentence; read **וַחֲבִים** (195, 20). For **מְעִטָּר** (202, 21) read **מִעְטָר**. Instead of **לְיָלָד** (205, 20) read **לְיָלֵד**. From Num. 25. 8 we know that a *vaulted tent* is **קֶרֶה**, not **קִוְהָ** (218, 21). For **הַשִּׁיבְתוּ** (224, 15) read **הַשִּׁיבְתִּי**. From Syriac and Arabic we know to vocalize **אֶפְכָּא**, not **אֶפְכָּא** (244). As **גּוֹלָם** with suffixes is **גּוֹלָמִי** (Ps. 139. 16) it should be vocalized **גּוֹלָם**, not **גּוֹלָם** (250). The vocalization of **תָּנוּ רַבָּנֵי** has in this volume undergone three stages of evolution. It started out as traditional **תָּנוּ** (15, 15), developed into the hybrid form **תָּנוּ** (17, 11 and elsewhere), and finally emerged as the accurate **תָּנוּ** (256). For **בְּשִׁבְחָה** (260) read **בְּשִׁבְחָה**. The word **עִיסָה** *dough* is best derived from the root **עָסַס** *he pressed*; hence read **עָפָה** not **עִפָּה** (268). For **עוֹבְדָה** (269) read **עֹבְדָה**. Comp. 1 Kings 7. 26. Elsewhere in this volume it is **עוֹבְדָה**, e. g. 209, 17.

The commentary at the end of this volume is more like a series of interesting excursus rather than detailed notes appertaining to the various texts. Although these excursus are for the greater part irrelevant, they are replete with Assyriological lore, and may be regarded as the redeeming feature of the volume. The indices, too, are well compiled.

Decidedly superior is the second volume containing legal passages, of which the first fascicle has hitherto been published. This superiority is immediately noticeable from the technical arrangement. Whereas in the first volume there are numerous blanks, owing to the lack of proportion between the Hebrew texts and the German translation which are printed side by side, in this volume the two parts are printed in such a manner as to be of almost equal length. The method of giving the references is also improved to a considerable extent. But by far of greater importance are the intrinsic merits of this volume, the value of which is clearly brought out by comparison with the first. Here we at last arrive at a proper arrangement and a thorough treatment of the subject. This is to some extent due to the circumstance that law is a classifiable subject. Dr. Gandz, author of this volume, shows a thorough mastery of this branch of research, and judging from this fascicle, we may expect from him an

extremely valuable contribution. This fascicle contains passages referring to the laws appertaining to the king, the court of justice, and the priests. Each section is preceded by an excellent *résumé* and a short bibliographical sketch. The passages are well chosen, and are calculated to acquaint the reader with the rabbinic literature treating of these branches. The notes, which are printed under the texts, greatly contribute to the elucidation of the passages. On the whole one can have no hesitation in asserting that the texts are well edited and annotated, and Dr. Gandz deserves praise for this part of the work, apart from the classification.

The vocalization, too, is done with almost masoretic accuracy, and it is quite evident that great care was bestowed on this feature of the volume. The orthography of the Talmud was rightly changed to suit the vocalized texts, and practically all vowel letters were omitted. Thus מאי is usually spelt מי. 'Traditional' pronunciations are frequently discarded when they are found to be indefensible in the light of recent discoveries and comparative grammar. Thus קל וחומר is correctly vocalized קֶל וְחֹמֶר (e.g. p. 48) instead of קֶל וְחֹמֶר, which is an incongruous combination of a noun and an adjective. On the other hand תִּלְמוֹד לֹמֵר (p. 3 and throughout the book) instead of תִּלְמוֹד לֹמֵר will not meet with universal approval. Hardly anything is gained by this change, and the phrase does not become more lucid through this vocalization. Moreover we should expect תִּלְמוֹד. In connexion with these improved pronunciations it is to be regretted that Dr. Gandz did not consider it necessary to call attention to tradition and to justify the alteration. There are also several cases where tradition is unnecessarily adhered to. Thus מִיָּן (p. 4) and בֵּן (p. 22) should be מִיָּן and בֵּן, respectively, as may be seen from the א which is found in the printed editions. Similarly, it is preferable to read פֶּד instead of פֶּד (p. 7), and מֶר instead of מֶר (p. 7). הִדְיָן (p. 27) should rather be vocalized הִדְיָן. Comp. Arabic أَهْرِيْم. (p. 43) is against analogy; read أَهْرِيْم. From Syriac we know that instead of בְּנִיבִיתָךְ (p. 45) we ought to vocalize בְּנִיבִיתָךְ, which is like גְּלִית. It is true that mediaeval Jewish poets pronounced it

יְכוּנָה (comp. Judah ha-Levi's *Diwan*, ed. Brody, vol. II, p. 163, l. 58); but this simply proves that this traditional error is several centuries old. The particle יֵן *yes*, as may be easily seen from Syriac, should be read יֵן, not יֵין (p. 50). There are also other mistakes, to some of which attention should be called here. For יְהִנָּרַע (p. 5) read יְהִנָּרַע. Instead of הִפַּח (p. 8) read הִפֵּךְ. Vocalize שְׁמוֹנִיּוֹת for שְׁמוֹנִיּוֹת (p. 14). The plural of מָמוֹן is מְמוֹנוֹת, not מְמוֹנוֹת (p. 22). On p. 28 this word is correctly vocalized. The imperative is הִנָּבֵה, not הִנָּבֵה (p. 41). An impossible vocalization is וְלִטְעָמָךְ (p. 54); read וְלִטְעָמְךָ. As the context demands a singular, we ought to read הַיּוֹבֵהָא, not הַיּוֹבֵהָא (p. 56), which is plural. Instead of חַל (p. 64) read חָל, as the root is חָל. The vocalization בְּקִי (p. 74) for בְּקִי is an unnecessary deviation from tradition.

Mishnaiot: Testo ebraico punteggiato, con traduzione italiana, proemio, e note illustrative. Di VITTORIO CASTIGLIONI, Triestino. Parte quarta.—Ordine dei danni (Nezikin). Edizione postuma, a cura di EMILIO SCHREIBER. Trattato Babà Kammà (Porta anteriore). Roma: Casa Editrice Italiana, 1913. pp. 51. (Two fascicles.)

Mishnaiot: Testo ebraico punteggiato, con traduzione italiana, proemio, e note illustrative. Di VITTORIO CASTIGLIONI, Triestino. Parte quarta.—Ordine dei danni (Nezikin). Edizione postuma, a cura di EMILIO SCHREIBER. Trattato Babà Metzi'a (Porta media). Roma: Casa Editrice Italiana, 1914. pp. 53-102. (Two fascicles.)

Der Mischnatraktat Orlah. Sein Zusammenhang und seine Quellen. Von Dr. ARTHUR ROSENTHAL. Berlin: N. ITZKOWSKI, 1913. pp. 48.

Books on Jewish scholarship in Italian are now a rare thing. After Luzzatto's brilliant achievements in practically all branches of Jewish science hardly anything was done in that language. Castiglioni's work was a kind of dying echo of former activity. Gloomy thoughts fill the mind when one reflects on the condition of Jewish learning in Italy, and one cannot help feeling apprehensive about its future in other countries. Store-houses of

valuable Hebrew manuscripts in themselves are evidently insufficient to attract scientific workers. Some more potent factors are needed. The edition of *Baba kamma* and *Baba meš'ia* was prepared by Castiglioni in 1902, but for some reason or another the publication was delayed. Meanwhile Castiglioni died, and the task of seeing this edition through the press fell to his pupil Emil Schreiber. With the exception of the fact that the translation and the notes are in Italian there is nothing special about this edition. The introductions are brief, and merely give a definition of the tractates. The statements are made with accuracy and scholarly precision. Although there is nothing new in them, the hand of a master is everywhere discernible. The notes are comprehensive, and embody the best results of mediaeval Jewish commentators and modern scientific research. In order to explain the various laws Castiglioni makes ample use of the Babylonian and Palestinian Talmudim. The philological aspect, too, is well taken care of, and this part of the work as a whole makes a good impression.

The consonantal text does not differ from the usually printed editions. The few manuscripts of the Mishnah that are still extant do not offer many important variants, as may be readily seen from the mishnic parts of Rabbinovicz's *Variae Lectiones*. Even old Genizah fragments seldom contain significant variants. This is no doubt due to the popularity of the Mishnah. For it is a recognized fact in all literatures that books that are widely read tend to become fixed even with their errors. Hence in order to establish a correct text of the Mishnah one must sometimes go beyond the Gemara, and at present this is hardly possible. With regard to the vocalization the matter is quite different. With an accurate knowledge of Hebrew grammar it is easy to punctuate mishnic texts correctly. It is true that now and again one stumbles over a new word not occurring in the Bible. But even then analogy can be followed with some degree of certainty. However lenient one wishes to be, one cannot help declaring this part of the present edition faulty. The book teems with errors of this kind. Even well-known biblical words and quotations are incorrectly vocalized. Misprints, too, are of very frequent occurrence, and it appears that

sufficient care was not bestowed upon this part of the work. It is rather inauspicious that the very first word contains an error. **אָרְבַּע אַבּוֹת** (p. 9) is impossible, as **אָב** is masculine in all its significations. Read **אַרְבָּעָה**. As obvious misprints mention should be made of **שְׁלֹשָׁה** (p. 22) instead of **שְׁרֵשָׁה**; **שָׁכַר**; **לְנוֹשָׂה** (p. 24) instead of **לְנוֹשִׂי**; **שָׁמִין** (p. 27 twice) instead of **שָׁמִין**. Comp. p. 38 where this word is correctly vocalized. **בִּיּוֹצָה** (p. 38) for **בִּיּוֹצָא**; **מָצָה** (p. 57) instead of **מָצָא**; **וָא** (p. 62) instead of **וְהָ**; **שָׁנְאָנוּ** (p. 85) instead of **שָׁנְהָנוּ**. Apart from a vast number of mistakes which can reasonably be regarded as misprints these two tractates abound in errors which betray a lack of knowledge of Hebrew grammar. Some of them are due to the confusion of certain vowels in the Portuguese pronunciation. Thus probably arose **קָרְרִין** (p. 15 and elsewhere) instead of **קָרְרִין**, and **תָּמִים** (p. 16) instead of **תָּמִים**. The former is no doubt a *fa' 'āl* form which is of frequent occurrence in the Mishnah, while the latter is derived from the root **תָּמַם**. To the same cause may be ascribed such mistakes as **מַעֲשֵׂה עֲצָמוֹ** (p. 18) instead of **מַעֲשֵׂה**, and **יֵשׁ** for **יֵשׁ** almost throughout the book. It would take up too much space to enumerate all the errors in these two tractates, but some of the most characteristic may be pointed out here. **לְשׁוֹף** (p. 10), read **לְשׁוֹף**. **וְשִׁבְרָתוֹ** (p. 11), read **וְשִׁבְרָתוֹ**. Instead of **כָּלִי** (*ibid.* and throughout the book) read **כָּלִי**, as the former is a pausal form. Instead of **הוֹיָק** (p. 14 and elsewhere) read **הוֹק**. The editor vocalizes the Hifil of this word correctly, but persists in giving a wrong form of the Hofal. As a rule no question marks are used in this edition, but as chance would have it, the question mark on p. 18 is erroneously employed: it should be placed before **וְהָ**, not after it. Instead of **הַנּוֹקִין** (p. 19) read **הַנּוֹקִין**, as the root is **נָקַה**. The form **נִשְׁתַּפֶּה** (p. 23) is impossible; read **נִשְׁתַּפֶּה**. This is quite a common error. As may be seen from Cant. 2. 9 **כַּתֵּל** is a *kuṭl* form; hence **כַּתֵּל** (p. 23) is inaccurate. Instead of **בְּמוֹסָרָה** (p. 24) read **בְּמוֹסָרָה**. For the correct vocalization of **עוֹבְרָה** (Baba kamma 5, 1) and **סוּמָא** (*ibid.* 8, 1) see my remarks in *JQR.*, N. S., VI, p. 211. 1. **לְגִלְרָה** (p. 25) is an unknown form; vocalize **לְגִלְרָה**, as in Gen. 11. 30. For **מְנוּלָה** (p. 28) read **מְנוּלָה**. The editor did not stop to think about the root of

וְלִהְיִשְׁבֶּת אֲבָדָה (p. 29); vocalize וְלִהְשִׁבֶּת. Instead of שִׁפְרָצִיָּה (*ibid.*) read שִׁפְרָצִיָּה. A student accustomed to correctly vocalized Hebrew texts will be puzzled by the word לִינָה (p. 30). Read לִינָה. The editor evidently could not make up his mind as to the exact pronunciation of סָאָה. On p. 30 he vocalizes it several times סָאָה, but on p. 84 it becomes סָאָה. In his translation he transliterates it *Seah* throughout. Now this word is סָאָה in the Bible (e.g. 2 Kings 7. 1). הַמְּנִידִישׁ (p. 30) in an unconscious attempt to introduce a *forma mixta* in the Mishnah. Vocalize הַמְּנִידִישׁ. Even a denominative verb has to follow the elementary rules of grammar. As may be seen from 1 Kings and elsewhere the correct vocalization is בּוֹר, not בור (p. 31). For חוֹלִין (p. 34) read חֵלִין. Instead of הַתְּהָרוֹת (p. 37) read הַתְּהָרוֹת, or הַתְּהָרוֹת. The editor rightly remarks in his notes that the singular of נִשְׁבִּין *nets* is נִשְׁבֵּב. Yet he vocalizes it נִשְׁבִּין in the text (*ibid.*). As the root of רוֹק *spittle* is רָקַק, we ought to read רָקוּ instead of רוֹקוּ (p. 40). See Job 7. 19. A curious mistake is הִשָּׁב (p. 41) which is a quotation from Gen. 20. 7, where it is הִשָּׁב. The editor should have at least taken the trouble to quote accurately. According to Cant. 7. 2 we ought to vocalize אֲמִנִּין, or perhaps אֲמִנִּין, if we take the Syriac ܐܡܝܢܝܢ into consideration. But Castiglioni is inconsistent, and vocalizes אֲמִנִּין (p. 43), אֲמִנִּין (p. 82), and אֲמִנִּין (*ibid.* and p. 84). Instead of צִמְרוֹ (p. 44) vocalize צִמְרוֹ. See Hos. 2. 11. לְשִׁלִּיַח בֵּית דִּין (p. 44) is an impossible construction; read לְשִׁלִּיַח. Instead of חֻמְשֵׁשׁוֹ (p. 45) read חֻמְשֵׁשׁוֹ. Syriac ܡܚܡܫܐ would seem to indicate that מוֹכֵס is an active participle; hence read הַמּוֹכֵסִין instead of הַמּוֹכֵסִין (p. 47). Instead of יִשְׁבַּע (p. 49 and elsewhere) read יִשְׁבַּע. According to the Masoretic Text of Ps. 74. 6 we ought to read וּבִכְשִׁיל, and not וּבִכְשִׁיל (p. 51). Instead of מִשְׁנֵתָהּ, נִטְלָה (p. 56) read מִשְׁנֵתָהּ, נִטְלָה. In all likelihood שׁוֹבֵר is an active participle, and hence we should vocalize וְשׁוֹבְרִים, not וְשׁוֹבְרִים (p. 57). Read וְשׁוֹבְרִים instead of וְשׁוֹבְרִים, and טָבוֹ instead of טָבוֹ (p. 58). For מְפֹרֵן (p. 59) read מְפֹרֵן. וּבִכְתֵּל יֶשֶׁן (p. 60) is an impossible construction; read וּבִכְתֵּל. The word אֶפִּילוֹ is contracted of אֶם + אִי, and should therefore be אֶפִּילוֹ, not אֶפִּילוֹ (*ibid.*). Arabic قَفَّ proves that we should vocalize קָפָה, not קִיפָה (p. 62). Instead of the

impossible מִשְׁאֵי vocalize מִשְׁאֵי (p. 64). For לָיָה (p. 66, several times) read לָיָה. According to Ezekiel 4. 9 we ought to vocalize לְבִסְמִין, not לְבִסְמִין (p. 67). Instead of מִוִּיקָק (p. 68) read מִוִּיקָק. The editor has לְצִוְרָה and לְצִרְבָה promiscuously on p. 68. Both are inaccurate; vocalize לְצִרְבָה. A comparison with חֲדָשִׁים would have taught the editor to vocalize חֲמִשִּׁין, not חֲמִשִּׁין (p. 73). According to 2 Chron. 19. 7 read מִשָּׁח, not מִשָּׁח (p. 74), which is a common error. The Kal of לָיָה signifies *he borrowed*; hence read תָּלָה, not תָּלָה (p. 80). For a similar reason read לָלוּת instead of לָלוּת (p. 81), as the Piel means *he accompanied*. It would be impossible to parse the form לָדוּשׁ (p. 84); read לָדוּשׁ. Vocalize also וְדָשׁ, instead of וְדָשׁ (*ibid.*). For רִשְׁאֵי (p. 85) read רִשְׁאֵי. Read אָנֶם instead of אָנֶם (p. 88 several times). According to the Bible we ought to read מִתְחַלְּלוֹת instead of מִתְחַלְּלוֹת (p. 94). Read הַמְחַרְשָּׁה instead of הַמְחַרְשָּׁה (p. 99). See 1 Sam. 13. 20. For אֹכֵל בָּבֶשׁ (p. 99) read אֹכֵל. Instead of לָקוּץ (p. 101) read לָקוּץ, as the root is קָצַץ. The Kal of פָּנָה does not suit on p. 101, hence read פָּנָה. The Kal of פָּנָה does not suit on p. 101, hence read פָּנָה. Instead of the impossible בִּינְתִים (p. 102) read בִּינְתִים. Some of the Genizah fragments vocalize בִּינְתִים; but the former is more likely.

As indicated in the title, Dr. Arthur Rosenthal's edition of the tractate 'Orlah is of a rather ambitious character. In modern times some of the foremost Jewish scholars have attempted to apply to the Mishnah the principles of higher and lower criticism. These principles have led to wonderful discoveries in the Bible; but no startling results can be expected from them in the Mishnah. The problems of the latter are not so complicated, as we have an almost unbroken tradition which is of invaluable help as a starting-point. Nevertheless there is many a problem that still awaits solution. The labours of Hoffmann, Schwarz, Rosenthal (the father of the author of this work), and others have advanced this branch of study to a considerable extent. Dr. Arthur Rosenthal has followed their methods, and set himself the task of analysing the tractate 'Orlah and putting it on a critical basis. He first gives a general *résumé* of the composition and sources of this tractate, and then discusses each paragraph individually. It

goes without saying that an attempt is made to go beyond R. Judah ha-Nasi the redactor of the Mishnah. Every statement of the Mishnah is discussed separately, annotated, and translated into German. In these notes the general results of the introduction are given in detail. The main result of the inquiry is that R. Jose b. Halafta, who is mentioned several times by name in this tractate, is the compiler thereof. Even some anonymous passages are shown by Dr. Rosenthal to belong to this Tanna. In many cases his proofs are convincing, especially when he treats of the development of the Halakah in the various tannaitic schools. But the arguments adduced from the similarity of phraseology cannot be regarded as conclusive. This is one of the most serious pitfalls in biblical criticism. Because a word is employed by a certain author it does not follow that all passages in which that word occurs must be ascribed to him. Bearing this view in mind one cannot accept Dr. Rosenthal's conclusions with regard to 2, 5 and 2, 12, where he tries to identify the author by the words שמעתי and שאלתי, respectively.

As the work is intended for scholars, the text is unvocalized. It is, however, a curious fact that the few words that are vocalized happen to be inaccurate. Thus מונה (1, 5) should have no *mappek*, and ילל (3, 1) should be ילל, or ילל. On the whole Dr. Rosenthal's work is an important contribution to the higher criticism of this tractate. The textual side, however, is almost entirely neglected. It seems that ולוקח (3, 9a) should probably be ולוקט which harmonizes better with the remaining part of that paragraph.

The transliteration of Hebrew words is not always accurate.

Die Mischna, Kil'ajim (Verbotene Mischgattungen). Text, Übersetzung und Erklärung. Nebst einem textkritischen Anhang. Von Dr. KARL ALBRECHT, Professor in Oldenburg i. Gr. Giessen: ALFRED TÖPELMANN, 1914. pp. vi+87.

Die Mischna, Rosch ha-schana (Neujahr). Text, Übersetzung und Erklärung. Nebst einem textkritischen Anhang. Von Lic. PAUL FIEBIG, Oberlehrer in Gotha. Giessen: ALFRED TÖPELMANN, 1914. pp. vii+127.

Die Mischna, Horajot (Entscheidungen). Text, Übersetzung und Erklärung. Nebst einem textkritischen Anhang. Von WALTER WINDFUHR, Pastor an St. Catharinen in Hamburg. Giessen: ALFRED TÖPELMANN, 1914. pp. v + 35.

Essentially these three volumes do not differ in their treatment from their predecessors in the series of the Mishnah edited by Georg Beer and Oscar Holtzmann. There is a certain sameness about all the volumes that have hitherto appeared: the same kind of notes and the same kind of mistakes. They no doubt serve a useful purpose as text-books for non-Jewish students of theology, but can by no means be seriously considered as contributions to the scientific study of the Mishnah. The notes are for the greater part of an elementary nature, and there is little display of originality, in spite of the claims made by the general editors. A meritorious feature is the philological treatment of the texts.

The tractate Kil'ayim, dealing with the prohibition against crossing certain plants and animals (Lev. 19. 19; Deut. 22. 9-11), has its technical difficulties in identifying the numerous plants and animals mentioned therein, otherwise it is one of the easiest tractates of the Mishnah. The problem as to the reason of this prohibition does not belong to the province of mishnic studies, but to the Bible. For the Mishnah, while amplifying these laws, bases itself on the Bible, without investigating the reason. Moreover, even the technical difficulties have to a great extent been overcome by the exhaustive researches of Immanuel Löw to whom Prof. Albrecht constantly refers. Accordingly, the latter's claim made in his preface that his edition of Kil'ayim is the first modern attempt to give a comprehensive commentary is only true in a literal sense. His introduction, which is very brief, deals with the prohibition of Kil'ayim. He adopts Goldziher's view that this prohibition is connected with the magical and idolatrous practices of primitive races. As to the time of the composition of this tractate, Prof. Albrecht rightly points out that, since all the authorities cited, with the exception of R. Simon b. Eleazar, flourished before R. Judah ha-Nasi, there is no reason to doubt the unanimous tradition which ascribes the redaction of this

Mishnah to the latter. He, however, considers 1, 6 as a later interpolation, because that paragraph deals with animals, while the rest of the chapter treats of plants. But this argument is hardly of sufficient validity, as not all details of R. Judah ha-Nasi's method have been clearly determined, and it is quite possible that he himself, as well as another interpolator, might have been induced to insert that paragraph on account of the similar phraseology. This remark applies with equal force to 2, 8 a.

Owing to the great number of post-biblical nouns the vocalization of this tractate is by no means an easy matter. Arabic and Syriac, especially the latter, are sometimes very helpful, but cannot always be relied upon. For even a noun directly borrowed from these languages may undergo some vocalic changes in Hebrew. The exact pronunciation of some of these nouns must therefore be regarded as doubtful. To the credit of Prof. Albrecht it must be said that his vocalization is the most acceptable, or at least as acceptable as any that can be suggested. There are nevertheless some indefensible inaccuracies, a few of which may be mentioned here. Instead of *יִרְעִים* (2, 9 b) vocalize *יִרְעִים*. The plural of *קָרְחָה* is *קָרְחוֹת*, not *קָרְחוֹת* (2, 9 c), as the form is obviously like *גִּבְרִיחַ*. In 3, 3 b *לִטַּע* is an infinitive like *לִתֵּן* (comp. *לִחַנַת* 1 Kings 6. 19, which is probably a combination of *לִתֵּן* and *לִחַת*). Such forms are the masculine infinitives instead of the feminine *לִטַּעַת* and *לִתֵּת* occurring in the Bible. Prof. Albrecht's suggestion to take *לִטַּע* as the so-called *ל*-imperfect is precluded by the construction *מִבְּקִישׁ לִטַּע*, as *מִבְּקִישׁ* invariably takes an infinitive. He moves in a vicious circle when he refers to his *Grammar* in support of his explanation. *תִּדְלֵק* (5, 7 b) should be *תִּדְלֵק*, or *תִּדְלֵק*, as the *Kal* is intransitive in that sense. The latter is more likely, as a passive form seems to be required. The vocalization *אִרְצֵי הָעֹדֶה* (8, 5 b) is not quite sure. See also E. Fink, *Monatsschrift*, 1907, pp. 173-82; N. M. Nathan, *ibid.*, pp. 501-6. Instead of *מִטְפָּחוֹת* (9, 3) vocalize *מִטְפָּחוֹת*. Comp. Isa. 3. 22.

From a theological standpoint the tractate Rosh ha-Shanah offers a great deal of material for an introduction, especially if the writer has no particular desire to avoid digressions. Dr. Fiebig's

introduction is mainly devoted to the history of the New Moon and New Year Festivals, and at the same time the questions that are of immediate concern to the tractate are adequately dealt with. He gives a brief analysis of this mishnic tractate, and then compares it with the Tosephta. This comparison leads him to consider as probable Zuckermann's theory that the Tosephta is the old Palestinian Mishnah. There can, indeed, be no doubt that in spite of the numerous objections that have been raised against this fascinating theory, it is the only one which offers a reasonable solution to a difficult problem. Dr. Fiebig divides the history of the Jewish New Moon and New Year Festivals into six periods: 1. pre-exilic; 2. exilic and post-exilic; 3. Hellenistic; 4. tannaitic (from 100 B.C.E. to 100 C.E.); 5. amoraic and gaonic (down to 800 C.E.); 6. from the Middle Ages down to our present time. He adopts the current view that these Festivals had their origin in the cult of the moon, which is common to all primitive races who live in close proximity to nature. For the first two periods interesting details may be gleaned from passages in the Prophets and in the Pentateuch. In treating of the second period Dr. Fiebig cites and translates the scriptural passages appertaining to these Festivals. For the Hellenistic period Ben Sira contains a few passages, while for the remaining three periods ample material is to be found in the Talmud, in the gaonic literature, and in the present practice of the Jews. Of these two Festivals the New Year presents much greater difficulties, for there is no explicit mention of it in the Old Testament. And yet there can be no doubt of its antiquity. As a remarkable phenomenon in the development of religious practices it is to be observed that the New Moon, on which so much emphasis is laid in the Old Testament, became comparatively insignificant in post-biblical times, whereas the New Year, to which there is no clear allusion in the Bible and Apocrypha, assumed great importance from the time of the Mishnah down to our own times. A great deal of space is devoted by Dr. Fiebig to the liturgy of these Festivals. In this branch of his study he is entirely dependent upon Dr. Elbogen to whom he acknowledges his indebtedness. And

yet despite this reliable guide, Dr. Fiebig commits some glaring inaccuracies. Thus on p. 49, note 6, he remarks that the prayer 'Alenu is not only recited on New Year's Day', but also on the Sabbath and on the Day of Atonement. He refers to his own article in the *Christliche Welt*, 1909, No. 29, as authority on this prayer. He might have received more reliable information from the first Jew he met in the street. But it is common experience to find some Christian scholars better informed on difficult problems than on elementary subjects which Jewish scholars do not consider worthy of treatment.

Although most of the texts cited in the introduction have repeatedly been published and vocalized, Dr. Fiebig commits some blunders of an elementary character. On p. 28 אותות הדשים ומועדים is translated by *Zeiten, Monate und Feste*, and yet it does not require an advanced knowledge of Hebrew to find out that this phrase can mean nothing else than *signs of months and festivals*. On the same page ויעני העם ואמרי אמן is impossible Hebrew, and the correct reading is that of Müller, *Masseket Soferim*, p. 272, ויעני העם וכו'. Our editor quotes Müller's reading in the foot-note, and displays wonderful judgement in rejecting it. מלתה דרב אמרה (p. 48) should be rendered: *It is a statement which Rab made*. Dr. Fiebig's translation: *Ein Ausspruch des Rab sagt*, may be good German, but is clearly based on a misreading of the Aramaic expression. It should be vocalized מלתה דרב אמרה. P. 60, כמנצח עלינו בתורתך is impossible Hebrew; vocalize כמנצח as in all editions of the Siddur. Instead of לרצות (p. 67) vocalize לרצות, as the Piel of this verb signifies *he appeased*, which does not suit this context. There is no Hebrew word קצה (p. 68); vocalize קצה, which is a good biblical word. The plural of זכות is זכותות and זכיות, respectively, and not מלכות (p. 42) and זכיות (p. 64). With regard to this mistake it must be said that Dr. Fiebig errs in good company. Similar errors likewise occur in the text of the tractate, which as a whole is fairly well vocalized. In the sentence יהו מקבלין אלא מן המכירין (2, 1 b) the object is understood, and the expression is in accordance with the mishnic idiom. But Dr. Fiebig appears to be puzzled by the active

participle, and in his notes remarks that one would expect מְקַרֵּן, as if the latter were a passive participle! Instead of אֶרֶבְיָן (2, 3) vocalize אֶרְבִּין. Comp. 2 Sam. 3. 1, and elsewhere. לוֹ אֹמֶר (2, 6 a) is out of harmony with וַיִּמְכְּרֵם of the co-ordinate clause. There is no doubt that the reading וְאֹמְרִים לוֹ mentioned in the *Textkritischer Anhang* is correct. The manuscripts or editions which have וְאֹמֶר intended it to be an abbreviation. The expression לְדִין אֶחָד (2, 9 c) is to be compared with רֵנָּה אֶחָד, and אֶחָד is not necessarily temporal. The punctuation וְגוֹמֵר (3, 7 b) is erroneous, as it is a Hebrew active participle like אֹמֶר. Here again Dr. Fiebig errs in good company. The Hifil participle of קָרָא would be מְקַרֵּא not מְקַרָּא (4, 7). Dr. Fiebig quotes Margolis's *Lehrbuch der aram. Sprache des babyl. Talmuds*, where the same form occurs, but he forgets that there is some difference between Aramaic and Hebrew. Either we are to read מְקַרֵּא or מְקַרָּא, the latter being a Piel. The vocalization שְׁבוּת (4, 8 a) is traditional, but, judging from analogous expressions, שְׁבוּת would be more accurate. וַיִּבְכֶּה (4, 9 a) is less natural than וַיִּבְכֵּה.

The importance of the tractate Horayot naturally lies in its exposition of the principles of the Jewish Halakah, and as it deals with abstract laws it is apparently of little interest to the Christian theologian, who fails to find in it a reflection of Jewish life in the time of Jesus. Hence one can easily understand Dr. Windfuhr's remark at the very outset of his preface that he laid the book aside with a sense of relief. Nevertheless the editor managed to analyse the contents of the tractate, and he intelligently attacked the problems appertaining thereto, though he did not advance the subject in the least. On the whole it may be said that the notes are replete with details, and acquaint the student with the subject under discussion. This is no easy matter in a tractate like Horayot, where various subjects are touched upon without being discussed or explained. In some cases Dr. Windfuhr failed to grasp the purport of the laws. Thus the phrase יוֹם בְּנֵגֶד יוֹם שְׁמוֹנֶת יוֹם (1, 3 b) is a well-known designation of a woman who has an issue of blood for one or two days between the seventh and eleventh days after the

beginning of her menstruation, and the words **יֹם בְּנִגְדָּה** are absolutely necessary, as the expression signifies one who observes a day of purity corresponding to the day of impurity. But Dr. Windfuhr offers the following translation: *die den festgesetzten [Reinheits]tag abwartet*. In his notes he remarks that the words **יֹם בְּנִגְדָּה** are a *pleonastischer Zusatz*. Nor is the vocalization free from errors. **בְּנִגְדָּה** occurs only once in the Bible (1 Sam. 21. 10), and **בְּנִגְדָּה** would certainly have been preferable in 1, 2. In the same paragraph **שָׁנָה** should be **שָׁנָה**. The Piel is transitive, and is therefore out of place here. In his notes Dr. Windfuhr quotes Bacher, who vocalizes **שָׁנָה** correctly, and yet, without giving any reason, he adopts an erroneous vocalization. This is a remarkable case of lack of philological judgement. Instead of **בְּעִבּוּדָה וְרָה** (1, 5 a and elsewhere) vocalize **בְּעִבּוּדָה וְרָה**. As **וְרָה** is undetermined, **עִבּוּדָה**, too, must be undetermined. The Piel **מְטַמְּאִין** is transitive, and therefore impossible in 3, 4 b. Vocalize **מְטַמְּאִין** (Hithpael), and compare Lev. 21. 1, to which this law alludes. Instead of the impossible **לְגִיר** (3, 8) vocalize **לְגִיר**. Sense of style and a little knowledge of Hebrew grammar would have taught Dr. Windfuhr that **לְפָנֶיךָ וְרָה** (*ibid.*) is an impossible combination. Moreover, all the other co-ordinate nouns in this paragraph are undetermined. Vocalize **לְפָנֶיךָ וְרָה**. It should be observed that all these editors seem to have a tendency to put in as many definite articles as possible. They almost invariably give it 'the benefit of the doubt'. As a matter of fact in the mishnic idiom the definite article is less frequent with nouns than in the Bible, as may be readily seen from the usage of the word **הַתְּכֵמִים**.

Der Tosephtatraktat Roš Haššana. In vokalisiertem Text mit sprachlichen und sachlichen Bemerkungen. Von Lic. PAUL FIEBIG, Gymnasialoberlehrer in Gotha. Bonn: A. MARCUS UND E. WEBER, 1914. pp. 16.

This edition of the Tosephta Rosh ha-Shanah belongs to a series of small texts edited by Hans Lietzmann. It is designed to meet the requirements of students at the University, and lays no claim to original contribution. It supplies the reader with all

necessary information. In a few well-chosen sentences the editor acquaints the learner with the nature of the edition, and refers for fuller information to his publication of the Mishnah Rosh ha-Shanah under the editorship of Beer and Holtzmann. (That publication is reviewed in another place.) The text mainly follows Zuckerman's edition of the Erfurt manuscript. In the notes, which are brief and of a very elementary character, some of the important variants are recorded. In some cases, however, the notes are quite superfluous. Thus one cannot see the necessity of writing special notes offering the information that עֵגֶל means a *calf* and קִיד means a *kid* (p. 6, notes 13 and 14), as these words are of frequent occurrence in the Old Testament. If Dr. Fiebig assumed that the reader's knowledge is of such a low standard, he might as well have taken the trouble to annotate every word. And yet even post-biblical words are frequently passed over without notes. He would have utilized his space more profitably had he explained the etymology of מַתְחִילִין (1, 3) and תִּירְמִין (1, 9). He might also have given the etymology of פִּרְזִים (2, 3).

In such a text the accuracy of vocalization is of great importance, as the student is expected to derive his Hebrew knowledge from these sources. There is an evident endeavour in this tractate to punctuate correctly, but an imperfect knowledge of Hebrew prevented Dr. Fiebig from carrying out his desire. וְלִחְדָּשִׁים (1, 1) violates an elementary rule. Comp. 1 Chron. 23. 31, where it is לִחְדָּשִׁים. From the Bible Dr. Fiebig might likewise have known to punctuate עֲצָרָה, not עֲצֶרֶת (1, 2, and throughout the book). The exact pronunciation of רבֵּעִי of the *fourth year* is not definitely known. Dr. Fiebig has it as רִבְעִי (1, 8), which in itself is not unlikely. We should perhaps vocalize it רִבְעִי, as a derivative from רִבְעִים (see e.g. Exod. 20. 5). In a punctuated text וְנִבְעֵתִי (1, 15) is out of place; read וְנִבְעֵתִי. For סְנִימִין (2, 2 b) read סְנִימִין. It is common to consider the word הקִישׁ as a Hifil form of the root נָקַשׁ, and Dr. Fiebig, too, vocalizes it לְהַקִּישׁ (2, 3). But, as there is no clear evidence for the existence of such a root with this signification, why not derive הקִישׁ from קִישׁ like Arabic قَاسَ? One should accordingly read לְהַקִּישׁ.

Instead of נִסְכ (2, 4) read נִסְכ, as the former is Piel and transitive. There are also a few misprints like בְּחֻכָּה (4, 2), instead of בְּחֻכָּה ; בְּפָנֵי (4, 6) for בְּפָנֵי ; פְּקֻדוֹת (4, 7 a) for פְּקֻדוֹת.

Babylonische Geonim im nachgaonischen Zeitalter, nach handschriftlichen und gedruckten Quellen. Von SAMUEL POZNAŃSKI. Berlin: MAYER UND MÜLLER, 1914. pp. x+144.

Our knowledge of the gaonic period has been recently enriched with some very interesting details owing chiefly to the discovery of the Genizah. Many problems were solved, but at the same time new difficulties arose through the investigation of the new material. That period, which is no doubt one of the most fascinating in Jewish history, has always occupied the minds of Jewish scholars, and despite the paucity of material many a fact has been reclaimed from oblivion. Yet some of the views that have hitherto been considered as settled will have to be revised. It had long ago been accepted as an established fact that the gaonate proper ceased to exist with the death of R. Hai in 1038. There are explicit statements to that effect to be found in the writings of mediaeval Jewish historians, as for instance in Neubauer's *Mediaeval Jewish Chronicles*, vol. I, p. 178. It is true that there are in some books sporadic references to Geonim, who flourished after that date. But these references were either ignored or explained away in one manner or another. For it is an indisputable fact that the title Gaon is not always employed in its technical sense, and even Sherira in his *Epistle* uses it somewhat loosely. (Comp. Neubauer, *Mediaeval Jewish Chronicles*, vol. I, pp. 31, 32.) Here again the Genizah fragments and manuscripts recently brought to light have somewhat modified the old established theories. Persistent references to post-gaonic Geonim caused scholars to investigate anew this phase of Jewish history, and to re-examine the old material in the light of recent discoveries. It soon became apparent that the academy still lingered on for some time after the extinction of the gaonate. Its importance was diminished owing to the absence of a really great man to succeed R. Hai. Subsequently in the twelfth century

a serious attempt was made to re-establish the gaonate in Bagdad, and to restore it to its pristine glory. Other countries, too, endeavoured to found the office of gaonate. In Palestine Geonim existed even during the brilliant epoch of the Babylonian gaonate. Sufficient details about Ben Meir are still lacking, but there can be no doubt that his acrimonious strife with Sa'adya was more than a mere controversy over the calendar.

All these questions have never before been exhaustively investigated, and Dr. Poznański has put scholars under very great obligation by collecting and examining all the existing material, some of which has hitherto been inaccessible. With his characteristic thoroughness and wonderful mastery of details he presents in this monograph all the facts that can possibly be gleaned. By piecing the fragments together he draws a picture of those Geonim and the times they lived in. This picture, to be sure, is still dim; but this is due to the lack of further documents which even the historian cannot supply. It is, however, to be hoped that no time will be lost in exploring the Genizah that is now housed at Cambridge and elsewhere. Thus even the small collection at the Dropsie College contains a fragment which is of great value for the period to which Dr. Poznański's monograph is devoted. It is a dirge on the death of a Gaon named Daniel written on a narrow strip of parchment in a large character. On one side of the fragment is a marriage document dated Fustat, 1063. The bridegroom's name is Jepheth the son of Nissim, and the bride's name is Sitt al-Dar the daughter of Isaac. The marriage document is incomplete, and from the appearance of the fragment it is evident that the copyist trimmed it in order to use its blank side for the dirge. This dirge is written in the Wāfir metre, which is quite a favourite with the mediaeval Jewish poets whose mother-tongue was Arabic. The rhyme thereof is אים throughout. Our fragment contains the last sixteen lines of the dirge, and begins with the line:

בְּרִנְיָאֵל נָאֹן רָאשִׁי יְשִׁיבוֹת

בְּחִמּוֹתָיו בְּמִטְרוֹת הַנְּשִׂאִים

Now it is sufficiently obvious from the context that the man, on whose death this dirge was written, was named Daniel. The supposition that the poet compared the object of his praise to Daniel of the Bible may be dismissed as unworthy of consideration. But the death of which Daniel does the poet lament? There are four post-gaonic Geonim who bore that name: Daniel b. Azariah, Gaon of Palestine; Daniel b. Eleazar b. Hibat Allah, Gaon of Bagdad; Daniel b. Abi al-Rabi' ha-Kohen, Gaon of Bagdad; Daniel the Babylonian, who was vice-Gaon. Our dirge contains no more than general praises which could easily apply to any man, and we have no definite data wherewith to identify this Daniel. I, however, venture to put forth the conjecture that the author of this dirge is Eleazar b. Jacob. The style of this poem is smooth and fluent, but lacks that depth which is found in our great poets. And these are just the characteristics of Eleazar b. Jacob. There are also resemblances in phraseology, as for instance p. 75, l. 15 of this monograph. This point, it must be owned, cannot be pressed too far, as minor poets who lack originality will often borrow the same phrases from their model. Should this hypothesis prove to be right, the dirge would refer to Daniel b. Abi al-Rabi', to whom Jacob b. Eleazar addressed several panegyrics, as well as a dirge on his death and the death of his son Azariah (see below). Of course there is still the possibility that the subject of the dirge is Daniel b. Azariah, the Palestinian Gaon, who died about 1062, a year before the date of the marriage document. It may also lament the death of a Daniel who lived in Egypt, of whom nothing is as yet known.

Dr. Poznański's studies are chiefly based on the books of the twelfth-century travellers, Benjamin of Tudela and Pethahiah of Regensburg, on the *Diwan* of Eleazar b. Jacob, brought from Aleppo by Elkan N. Adler in 1898, and upon an Arabic fragment of the Mohammedan historian Abu Tālib b. Anjab ibn al-Sha'i, who flourished in the thirteenth century. About a third part of the book is taken up with the real subject of the monograph as indicated by the title. All the details that are known about the nine Geonim of Bagdad are presented in a masterly fashion.

The rest of the book consists of the following six appendixes: I. Samuel b. 'Ali's a responsum addressed to Moses of Kiew, and an exposition of Ketubot 63 a. II. Part of an Arabic letter by Maimonides addressed to his pupil Joseph b. Judah ibn 'Aḳnin. III. Extracts from the Diwan of Eleazar b. Jacob ha-Babli. IV. An 'Aḳedah by the Gaon 'Ali II. V. Non-Geonim with the title of Gaon. VI. Exilarchs in post-gaonic times. Of these appendixes the first four are interesting texts which directly or indirectly bear upon the historical phases discussed in the monograph. The last two are independent studies which are almost complete in themselves, and are printed here in order to furnish the sketch a proper background. Appendix V is especially replete with facts which were quite unknown up till recently. It treats of the Palestinian Geonim whose existence was made known through Dr. Schechter's discovery of the *Megillat Ebiatar* (*Saadyana*, XXXVIII); Geonim in Egypt; a list of scholars who were styled Gaon as a mark of respect by later writers. The last list is arranged alphabetically, and is by no means exhaustive. The sixth appendix contains the names of exilarchs who flourished after the gaonic epoch in Fustaṭ, Bagdad, Mosul, and Damascus. The exilarchs of the Rabbanites are followed by a list of exilarchs among the Karaites.

In a subject of this nature where the material is as yet scanty, and where more discoveries may confidently be expected, provisional hypotheses are unavoidable. Dr. Poznański, who is one of the most careful and productive scholars, is naturally an extremely reliable guide, and is most suitable for this pioneer work. He makes use of clever combinations, and identifies persons in the most ingenious manner. Nevertheless some of the conjectures are far from being convincing. They are such as can at present neither be established nor refuted, and hence it would be useless to offer counter-suggestions. I, however, wish to make a few remarks in connexion with the texts. The suffix of אֲכָתְרָהָא (p. 58, l. 3) refers to מוֹאֲצֵעַ, which is a broken plural, and therefore the suggestion to read אֲכָתְרָהָם (note 2) is unnecessary. אֲרֻצָּא (p. 59, note 5) should perhaps be read אֲרֻצָּא, that is to say, أَرْضًا.

a worm. The meaning of the sentence would then be: *Do not treat that man as a worm, for if he has no wisdom, he has old age.* Instead of the unintelligible אלנלבא (p. 60, note 5) we should read some such word as אנקלאבא. The obvious אלנאלב does not suit the context. נאלמים (p. 63, l. 39 b) should be נאלמים, parallel to לעור. The metre, which is Basit, demands the insertion of כל after תעוב (p. 65, l. 10). In the next line read מרצחת instead of רוצחת. It is also possible to read ורוצחת, and to take the verse as if it were איך הורגה ורוצחת איש ואביוהו (ibid., l. 26) read something like נם תעביר. The meaning of מעשיו לשון (ibid., l. 34) is: *The tongue of all sons of men declares his deeds*, and not *Macht jede Zunge reden*, as suggested by Poznański. מעשיו is masculine, while לשון is feminine; hence the feminine participle משובחת should have the latter as its subject. Instead of יהי צדקם יהי (ibid., l. 41) read צדקם יהי. According to the metre, which is Wafir, we should read איך instead of ואיך (p. 66, l. 20). Instead of נֶשֶׁח (p. 67, No. 20, l. 1) vocalize שֶׁח. Line 2 of No. 166 (p. 68) should perhaps read ששון וקול שמהה בימין תשמעו. The next line should be completed by the insertion of בְּרָכִי. Line 10 of the same poem (p. 69) should be completed by עוֹלָמִי. At the beginning of the following line לבוא would suit the context and the metre, which is Kāmil. There is no difficulty in explaining No. 167, l. 6 (p. 69), which reads:

דחת לישר את הדורינו אחת והורות את נבוכינו

It should be rendered: *Thy only law* (i.e. thy aim and occupation) *is to make our crooked straight and to guide our perplexed.* Poznański in note 6 remarks that אחת is an *augenscheinlicher Fehler*. But it is quite correct, and is to be construed with דחת. Comp. Esther 4. 11. The metre demands זרעך for זרעך (ibid., l. 11). Read ואיך instead of איך (No. 170, l. 14, p. 71). Delete ו ואיש (No. 176, l. 21, p. 72). The vocalization בְּלִיָּה (No. 178, l. 2, p. 72) is against grammar and metre; read בְּלִיָּה ויהיו (ibid., l. 10) is short of a syllable; read ותהינה. As the root of מהלות (ibid., l. 12) is הלל, it should be vocalized מְהָלוֹת, not מַהָלוֹת. It is strange that the few words that are vocalized are

nearly all wrong. In the Arabic superscription of 203 (p. 74) the manuscript has *ווקף הו בנפסה אורדהא פי אלגמאעה*, and Goldziher emends *אורדהא* into *איראדהא*. This is too radical a change, and the sentence still remains slightly awkward. Read simply *וואוררהא*, and render: *He himself stood up, and recited it before the assembly*. It is also possible to insert a *ו* before *בנפסה*. This *ו* may have fallen out after *הו*. *שם* (*ibid.*, l. 15, p. 75) gives no sense; read *שם*. Instead of *חיש* (*ibid.*, l. 19) read *חבש*. Comp. Job 40. 3. *כמחמירו* (p. 76, l. 20) should be *כמחמאו*. Brody emends it into *כמחמאות*; but next to *ושמנו* my suggestion is preferable, especially as we only have to assume that *א* was misread as *י*. Instead of *לב* (p. 77, l. 39) read *לבב*. The metre of 'Ali's '*Akedah*' (p. 78) is Kāmil. Poznański does not give the name of the metre, but merely a row of straight and curved lines. The number of his lines, however, does not tally with the syllables, as another straight line should be added at the end. Delete the *ה* of *השלשלת* (stanza 3, l. 5), and the second *ו* of *צוורי* (stanza 4, l. 2). Before *ליצחק* (*ibid.*, l. 3) two long syllables are missing; some such word as *נדיב* should perhaps be supplied.

Die Petichot des Midrasch rabba zu Leviticus. Von Dr. DAVID KÜNSTLINGER. Krakau: Verlag des Verfassers, 1913. pp. 38.

Die Petichot des Midrasch rabba zu Genesis. Von Dr. DAVID KÜNSTLINGER. Krakau: Verlag des Verfassers, 1914. pp. 51.

The scientific study of the Midrash has the same difficulties and problems as are met with in all the other branches of Jewish literature. Nevertheless the literary and textual criticism of the various Midrashim has made slow but steady progress since the time of Zunz. Theodor's edition of the Midrash rabba, of which only a small portion has hitherto appeared, shows the excellent results that have already been attained. Dr. Künstler has devoted himself to a special branch of the literary criticism of the Midrash, namely, to the analysis of the opening addresses known as Petiḥot. In his book *Altjüdische Bibeldedeutung*, which was published in 1911, he established certain prin-

ciples whereby the genuine Petiḥot may be distinguished from the spurious. This is by no means an easy matter, as redactors and copyists, especially the former, tampered with the original form of these addresses. As they now stand, the Petiḥot are frequently inaccurate, and the names of the authorities are not always given correctly. The superficial mode of treatment of regarding as a Petiḥah every address beginning with פתח would not take the investigator very far, for manuscripts as well as printed editions vary in this respect. There is many a passage which begins with פתח in some manuscripts and editions, while in others it is preceded by another formula. Dr. Künstlinger rightly points out that in this investigation external evidence is misleading owing to the interpolations of the redactors. But guided by the general principles he successfully analysed the Petiḥot of the Pesikta d'Rab Kahana in a book which appeared in 1912. He now offers a similar analysis of Leviticus and Genesis rabba. He only gives his own independent results, and refrains from discussing the work of other scholars in this field of research. His presentation is, accordingly, constructive, and is an interesting contribution to the higher criticism of the Midrash. As Dr. Künstlinger endeavours to go beyond the oldest manuscripts, his results can only be considered plausible, but not final.

תולדת הדרומים ביחסיהם אל הנלילים בתקופת האמוראים.
מאת יעקב שמואל שעזאק. חלק ראשון.

[Paris: IMPRIMERIE DANZIG, 1914. pp. vii + 150.]

Geschichte der Methodologie in den Hochschulen Judäas, Galiläas, Suras, und Nehardäas. Von JACOB SAMUEL ZURI-SCHESAK, Lehrer am hebr. Gymnasium in Jerusalem. Erster Teil. Jerusalem: BUCHDRUCKEREI 'ACHDUTH', 1914. pp. v + 160.

It is an old axiom that the characteristics of nations or groups of individuals are reflected in their literary productions. But in order to investigate the mental traits of an author we have

to establish the authenticity of his writings. This is no easy task when one attempts to draw a picture of the numerous amoraic authorities mentioned in the Talmudim and Midrashim. For in this literature we have no coherent and consecutive writings of any single individual, but a conglomeration of questions and answers and pithy sayings uttered at various occasions. The difficulties are still more enhanced when an attempt is made to group the various authorities geographically, and to describe the general characteristics shared by the different individuals constituting each group or school. In many cases we have no apparent data as to the origin of the scholars. It is just this difficult subject which Mr. Schesak has set for himself. He believes that there is abundant material for a comprehensive study, and that much can be achieved by a careful and painstaking investigation of every statement recorded in the Talmud. He displays very deep insight, and penetrates into the characters of the various Amoraim, and presents a vivid picture of their frame of mind. After giving a brief characterization of each Amora, he cites sayings from the Talmudim and Midrashim to bear out his theories. The first book, the first volume of which is now complete, deals specifically with the Amoraim of southern Palestine. By very ingenious conjectures Mr. Schesak endeavours to ascertain the place of birth and education of a number of authorities of whom little is definitely known. In some cases, however, he moves in a vicious circle. Mr. Schesak assumes general characteristics for the Amoraim of the south, and if an Amora happens to possess these characteristics he is taken to belong to that group. This method, to say the least, is very precarious. Moreover, our author's characterizations are too definite to be accurate. It is impossible to lay down hard and fast rules about the frame of mind and point of view of the authorities mentioned in the Talmud. Human nature is too complex to be reduced to simple equations. As an instance of Mr. Schesak's tendency towards generalizations the following assertion may be cited. He says that the difference between the system of the Amoraim of the south (Judea) and that of the Galileans is to some extent the

same as the difference between classicism and modernism. The former look at life indirectly, and study man through his works, while the latter penetrate straight into the human heart (p. vi). As a matter of fact, it is even hard to draw the line of demarcation between classicism and modernism, and Mr. Schesak's definition will not stand too close an examination. Furthermore, the distinction between the Amoraim of Galilee and those of the south cannot be sharply drawn, as after all these men lived during the same period and in practically the same environments. Their goal, too, was identical, and there no doubt was an interchange of teachers in the various academies which helped to obliterate the original differences, if any existed. In spite of this objection to Mr. Schesak's mode of treatment, his point of view will command attention.

The second book, the first volume of which has now appeared, is of a more general character. It deals with the methodology of all the Amoraim. Here again the author emphasizes the radical difference in method that existed in the various academies. The results of the first book are taken for granted. The author's fondness for generalizations is manifest also in this book. On p. 73 he makes the sweeping assertion that the Nehardeans were interpreters, whereas the Syrians and Palestinians were creators. Apart from this tendency Mr. Schesak displays great erudition and mastery of his subject. He handles his material very skillfully, even when his results are too bold to commend themselves to scholars.

Both books are written in a very good Hebrew. The author's style, which belongs to the latest phase of modern Hebrew, is fluent, and well suited for the treatment of this subject. Mr. Schesak expresses himself with clearness and precision, and avoids unnecessary coinages. As such books are rare in modern Hebrew, the author ought to be encouraged to continue the publication of the remaining volumes, as well as his other books to which he refers.

Jesus in the Talmud. His personality, his disciples, and his sayings. By BERNHARD PICK, Ph.D., D.D. Chicago: THE OPEN COURT PUBLISHING COMPANY, 1913. pp. 103.

To the student of the Talmud the scanty references to Jesus that occur in the unexpurgated editions of that vast literature are, to say the least, a negligible quantity. Considering the size of rabbinic literature, one must come to the inevitable conclusion that Christ and Christianity left little or no impression on the teachers of the Talmud, who treated the new religion and its founder with indifference. On the other hand, when one excerpts these few references out of their context, collects them, and annotates them, they loom large, and are apt to become unduly prominent. These passages have been repeatedly collected, and have done the Jews incalculable harm. In recent years a more scientific treatment, which is sometimes a mere guise, has been accorded these passages. This little book is not an original contribution. It simply follows Dalman's collection, and shows no first-hand knowledge of the Talmud. And yet the author speaks with a tone of authority. His remarks, which are interspersed between the quotations, betray an unmistakable anti-Jewish tendency. As these remarks are not new, it is scarcely worth while to controvert them. The views of Jewish scholars are dismissed by him as biassed. When a non-Jewish scholar happens to side with them, he discounts his view by quoting the opinions of 'unbiassed' Christians. Thus against Renan, who thinks that the Talmud and the Rabbis were copied by Jesus, he (p. 73) pits 'a better authority, the late Dunlap Moore, for many years missionary among the Jews' (we know that scholarly type!). Nor is it easy to see why, from a scientific standpoint, Jewish scholars are biassed, whereas Christian writers monopolize the absolute truth. The former at least have the merit of knowing the Talmud in its true perspective. Dr. Pick triumphantly quotes the views of Wellhausen and Dean Farrar. This is, however, not scientific evidence. Wellhausen is one of the foremost Semitists and literary critics of our age, and

Dean Farrar was a graceful writer ; but their knowledge of the Talmud is practically nil : the former would not, and the latter could not read rabbinic literature.

Meziza: Ist sie religiös geboten? Wirkt sie heilend oder schädlich? Von EMANUEL ROSENBAUM, Praktischer Arzt in Paris. Frankfurt a. M. : SÄNGER AND FRIEDBERG, 1913. pp. 47.

The question of *Meṣiṣah*, that is to say, the sucking of the blood after circumcision, has been repeatedly discussed. Many physicians have condemned this practice on hygienic grounds. It has been urged that hereditary diseases may be communicated by the infant to the one who performs the operation, and it is possible for the former to be inoculated with harmful germs in this manner. Nevertheless this practice continues. Dr. Rosenbaum in this pamphlet tries to prove the untenability of this objection. He first points out that ritually *Meṣiṣah* is essential. This part of his work is hardly necessary, as rabbinical testimony is unanimous on this point. He then goes on to demonstrate physiologically that the performance of *Meṣiṣah* helps to heal the wound, and cites famous medical authorities in support of his view. He finally proves that the infant can neither communicate nor be inoculated with diseases. The first few pages of this treatise is devoted to the definition of *Meṣiṣah*, and to the talmudic use of the root מציץ. He takes issue with J. Levy, who declares in his *Neuhebräisches und Chaldäisches Wörterbuch* that the omission of *Meṣiṣah* is not harmful, and that the root מציץ can be applied to the absorption by lifeless things. Dr. Rosenbaum's language in discussing this question is far from dignified. Moreover, to obviate all difficulties there are instruments well adapted to the performance of this rite. One of these instruments has been applied with great success by Mr. Alexander Tertis, of London. This gentleman published a pamphlet containing the opinions of several Rabbis, who emphatically state that the Jewish law does not stipulate that the *Meṣiṣah* should

be done with the mouth. Many of the letters of these Rabbis appeared in the Hebrew weekly *Hayehoody* during the year 1901. Dr. Rosenbaum does not seem to be aware of this mass of correspondence. At the end of the book Dr. Rosenbaum makes a solemn declaration that the last thousand cases that have come under his notice have almost been entirely successful. This, however, does not prove that there is no possibility of danger.

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LESZYNSKY'S 'SADDUZÄER'

Die Sadduzäer. Von RUDOLF LESZYNSKY. Berlin: MAYER UND MÜLLER, 1912, pp. 309+iv.

THE aim of this work is to refute the view of Geiger, now generally accepted, that the Sadducees were an aristocratic party consisting of priests, descendants of Zaddok, whose family had exercised priestly functions since the time of king Solomon (hence the name צדוקים). Josephus (*Ant.*, XIII, 10, 6; XVIII, 1, 4) tells us that the Sadducees represented the nobility, power, and wealth of the nation, and were accordingly interested mainly in the affairs of the State, jealously guarding their ancient prerogatives, and opposing all innovations and changes. The faithlessness of many of them in the early part of the second century B.C. brought about the formation of the Pharisaic party. The Pharisees strove to make the Law a common property of all the people, and consulted the requirements of the time in their interpretation of the Law. This difference of purpose and aspiration between the worldly priest-aristocrats and the progressive lay-teachers, who were of the people and stood for the people, widened with time, and led to many disagreements in matters of religious belief and practice.

Leszynsky champions the view of mediaeval Jewish scholars that the distinctive feature of Sadduceeism was its rejection of the Oral Law. According to this view, the Sadducees were not a party but a sect. They were intensely religious, as pious and strict in the observance of the Biblical laws as were their opponents, the Pharisees. The rejection of the entire traditional interpretation of the Biblical laws and of the development of the Law during the course of centuries was their fundamental principle, and accounts for all the differences between them and the Pharisees. In short, they were the Karaites of the ancient days. Josephus

(*Ant.*, XIII, 10, 6; XVIII, 1, 4), indeed, mentions the rejection of all tradition, even that of their own teachers, as one of the features of the Sadducees, and so does the Talmud. The Sadducees, Leszynsky contends, believed in the immortality of the soul (Josephus, *Ant.*, XVIII, 1, 4, notwithstanding), and in the existence of angels and spirits (Acts 23. 8 notwithstanding), since they are mentioned in the Bible. Nor did they deny Providence. What Josephus means by his statement, that the Sadducees denied the interference of God in human affairs (*Ant.*, XVIII, 5, 9; *Wars*, II, 8, 14), is that they rejected the duty and did not believe in the efficacy of prayer, as it is not mentioned in the Bible (pp. 20 ff.). Until the time of the Maccabees there was no separate class devoted to the study and exposition of the Law. The priests were its keepers and administrators. But when patriotism and religion combined and crushed the Hellenistic movement, the study of the Law and its development received new impetus. The customs which grew up among the people, hallowed by time, were now endowed with the sanctity of laws, but were rejected by the Sadducees, who, as the ancient keepers of the law, knew their late origin.

Leszynsky believes that the *Fragments of a Zadokite Work*, discovered and published by the late Professor S. Schechter, is of Sadducean origin. His superficial examination of the Halakah contained in the *Fragments* (pp. 143 ff.) reveals no agreements with views known to us to have been held by the Sadducees. Even the Sabbath laws of the *Fragments* which deviate from Tradition are not Sadducean. Strict Sabbatarianism is the property of all Jewish sects. Our author, however, concludes, on the basis of an unnecessary emendation,¹ that the Zadokite sect prohibited cohabitation and לעשות צרכיו on Sabbath, and tries to prove by it the Sadducean origin of the *Fragments* (pp. 147-9). But granting the author's conclusion, what proof has he that the Sadducees prohibited cohabitation and לעשות צרכיו on the Sabbath? The author also fails to prove his contention (pp. 48-51, 113) that

¹ For correct interpretation of this passage see Ginzberg, *MGWJ.*, LV, 546-9.

the Zadokite sect and the Sadducees rejected the law of vow-annulment (p. 16, line 8, of the *Fragments* refers most likely to שבועה, which also, according to בית שמי, cannot be annulled; Nedarim 28 a).² Leszynsky errs also in his assertion that שמעון did not favour the making of vows (p. 49; see also Geiger, *Urschrift*, 31-2; Weiss, *Dor*, I, 81); לא אכלתי surely refers to נזיר שנטמא only, since אשם is offered in case of נזיר טמא (Num. 6. 12). Nor is there any indication that the Zadokite sect prohibited the taking of oaths, as our author claims (pp. 156-7). Even the Essenes refrained only from oaths wherein the Holy Name is employed (Josephus, *Wars*, II, 8, 6). The author is also wrong in his assertion (pp. 76-7, 216-17, 240) that the Sadducees, like the early Samaritans, referred the law of levirate marriage to the betrothed only. See Revel, *Karaite Halakah*, 38.³ That the Sadducees extended their literalism to *lex talionis*, as our author believes (pp. 80, 240), is very unlikely. The sources know nothing about it, except the Scholion of Megillat Taanit (chap. 4), but Geiger (*Urschrift*, 148), Rapaport (דברי שלום ואמת, 15), and Wellhausen (*Die Sadduzäer u. Pharisäer*, Griefswald, 1874, 62) rightly deny to this report any historical basis. See also *Karaite Halakah* (pp. 56-7). Nor is it likely that the Sadducees of Book of Jubilees prohibited cohabitation during ימי טהרה of יולדת (pp. 74, 215). See Wreschner, *Samaritanische Traditionen*, 34; Schwartz, *Die Controversen der Schammaiten u. Hilleliten*, 94; *id.*, *Moses b. Maimon*, I, 354.⁴ That the Sadducees, like the

² The limitation imposed by the sect on the right of father and husband to annul vows agrees with tradition. See Nedarim 11, 1, and Sifra *ad loc.* אה לעבור ברית הוא (p. 16, 1, 11) most likely refers to שבונו לבינה.

³ The statement of Book of Jubilees quoted by the author (p. 217) proves nothing. It is an attempt to account for God's wrath against Er; see Ps-Jon, Gen. 38. 7, and the *Testament of the Twelve Patriarchs*, Judah 10. 2-3, and Yebamot 34 b.

⁴ Book of Jubilees 3. 10-15 attempts to explain the law of Lev. 2. 2-15, and from ver. 13 the opposite may be inferred, namely, that the Book of Jubilees, like Tradition, considers the ימי טהרה during יולדת as a טבול יום. Moreover, if the difference between the Pharisees and Sadducees on the laws of Niddah (Niddah 4. 2; Tosefta, *ibid.* 5. 2) was concerning ימי טהרה, the

Zadokite Fragments, prohibited polygamy (pp. 144-245), is nowhere mentioned. The Karaites, the spiritual heirs of the Sadducees according to Leszynsky, did not prohibit polygamy, but restricted it to the extent that the marriage to the second wife must not interfere with the duties to the first wife. See *Karaite Halakah*, 46.⁵ Leszynsky is also mistaken in his assertion that the Zadokite sect prohibits the use of honey (pp. 38 ff.). He overlooked (p. 40) Judg. 14. 8, 9, where רִבִּשׁ surely means 'bee-honey'. Even the Karaites, many of whom prohibit the use of eggs, as יוצא מן החי (Haddasi אב"כ, Alph. 232, 308), permit the use of honey; see Anan, ספר המצות, ed. Harkavy, 3. The several parallels pointed out by the author between the practices of the Zadokite sect and that of the Essenes (pp. 148, 150, 153, 155-9) are interesting. Our meagre knowledge about the Essenes makes it impossible to be certain about anything concerning them. In fact, the only objection to the Essene origin of the *Zadokite Fragments* (and there is much for it) is that they offered animal sacrifices (see Charles, *Apocrypha and Pseudepigrapha*, II, 790); but the Essenes themselves most likely did not altogether reject animal offerings (see Schürer, *Geschichte*, II⁴, 663, 674; Leszynsky, *ibid.*, 150). But what the author does not make clear is how these parallels support his view that the *Fragments* are of *Sadducean* origin. Our author also points out, in proof of his theory of the Sadducean origin of the *Fragments*, that among this sect the priests were exalted, and that the Messiah was expected to be 'of Aaron and Israel'. The exclusive position of the priests in this sect is, however, merely a presumption. The regard for them may have been due to the fact that they were among the founders of the sect (1, 7; 4, 2-3; 6, 2-3), and perhaps they were also the majority of the emigrants to Damascus.

Sadducees holding to the stricter view (pp. 73-4), why did the high priest (Tos., *ibid.* 5, 3; b, *ibid.* 33b; quoted by Leszynsky, p. 73) fear that he might become unclean by contact with the Sadducean woman?

⁵ Nor is it likely that the Book of Jubilees prohibited polygamy, as our author thinks (p. 215). Book of Jubilees 19. 11 attempts to explain why Abraham did not take Hagar back. See B. Beer, *Leben Abrahams*, Leipzig, 1859, 83 and 198, n. 9, 904.

Our author establishes the rule that all apocryphal and pseudepigraphical works in which (1) the priests are exalted and the Messiah is expected to be from priestly lineage, (2) in which the resurrection of the body is rejected, or (3) in which anti-rabbinic laws are found, are Sadducean works (p. 169). Ecclesiastes, in which resurrection is denied (3, 18 ff.), is, therefore, a Sadducean work (171 ff.; see also Grätz, *Kohleth*, 1871, 30); so also is Ecclesiasticus, since it makes no mention of resurrection (172 ff.; see Geiger, *ZDMG.*, XII, 536). The author of 1 Macc. was also a Sadducee (175 ff.; so also Geiger, *Urschrift*, 206 ff.).

By the magic of this rule most of the Apocrypha and Pseudepigrapha are converted by our author into Sadducean works. The Book of Jubilees, the keynote of which is the supremacy and everlastingness of the Law and the duty of its scrupulous observance, and which contains a developed angelology and demonology, is, according to our author (pp. 179-237), the work of a Sadducee, its purpose being the advocacy of a change from a lunar to a solar year (pp. 190 ff.). The calendar of the Book of Jubilees is a problem still unsolved. Epstein (*RÉJ.*, XXII, 10 ff.) has shown that it presupposes a civil and an ecclesiastical year of 364 days. Our author believes that the year according to the Book of Jubilees consisted of fifty-two weeks divided into twelve months, eight of which consisted of four weeks and four of five weeks each. By this Leszynsky proves that the Book of Jubilees is of Sadducean origin. But granted that the calendar of the Book of Jubilees is a solar one, what proof is there that the Sadducees ever advocated a solar calendar? See Poznańsky, *RÉJ.*, L (1905), 19-20.

The Book of Jubilees deviates from Tradition in the interpretation of several Biblical laws, particularly in that of Sabbath and paschal lamb. But in order to prove by these deviations from Tradition the Sadducean authorship of the Book of Jubilees, as our author does, is it not necessary to show that the Sadducees held views similar to these laws of the Book of Jubilees in order to prove by the anti-rabbinic laws of the Book of Jubilees its Sadducean origin? This our author fails to do. In general, anti-rabbinic

laws in Jewish works of the Greek and Roman period do not necessarily imply Sadducean authorship. Pharisaic Judaism of that time was not entirely uniform and of one opinion on all minor questions of religious practice. At that time there was Alexandrian Jewry with its Onias Temple and its own ritual, and there were the Essenes. The Essene origin of Book of Jubilees is not unlikely. See Jellinek, *Ueber das Buch der Jubiläen*, 1855; A. Epstein, מדרש תרשא, IX-XI.

The following may be given in illustration of our author's mode of argumentation and of reasoning in a circle.

Book of Jubilees fails to mention the law of אכילת מרור on Passover night (Exod. 12. 8), nor is it mentioned in the last Passover supper of Jesus. The Sadducean interpretation of the laws was followed by Jesus, our author thinks (see below). מרור was not used by Jesus because the Sadducees, whom he followed, interpreted על מררים (*ibid.*) to mean 'wine'.⁶ As Book of Jubilees does not mention the use of מרור, its author must needs be a Sadducee (pp. 206-11)!

Pp. 212, 239. Book of Jubilees 21. 17 is, as is evident from the context, only a further admonition to obey the law (Lev. 17. 13) to cover all blood. That Book of Jubilees prohibited also the blood of locusts and fish, as our author thinks (*loc. cit.*), is unlikely. See Kohler, *American Journal of Theology*, 1911, 427.⁷

The *Testaments of the Twelve Patriarchs*, too, is of Sadducean origin, according to our author (pp. 237-53). The *Testaments* are, our author believes, a call for peace by the Sadducees to the Pharisees. The original author of the *Testaments* exalted the priests and expected a Messiah of the tribe of Levi (Reuben 6. 7-13; Levi 8. 14; 18. 2 ff.). It was interpolated by a Pharisee,

⁶ It is interesting to note that neither is unleavened bread mentioned as having been eaten at the last supper of Jesus. This is in accordance with tradition. Mekilta, B. 6; see Chwolson, *Das letzte Passamahl*, 55: מצה ומרור אין מעכבין את הפסח.

⁷ Nor did all the Karaites prohibit it. See M. Lorge, *Speisegesetze der Karäer*, Berlin, 1907, 16; comp. also *Mibḥar*, Lev. 12 a. Ginzberg, *MGWJ.*, LVI (1912), 556, end, is to be corrected accordingly.

who denounces the state of affairs under the later Maccabees, and looks for a Messiah from the house of Judah (Judah 24. 5, 6). But is the expectation of a *priestly* Messiah sufficient to prove the Sadducean authorship of the *Testaments*? Whether the Davidic origin of the Messiah was a distinctly Pharisaic doctrine, and whether the Sadducees shared the belief in a Messiah or taught his priestly origin, are still open questions. In general, the idea of an individual Messiah does not loom very large in the Apocrypha of the Old Testament. Ecclesiasticus, Judith, Tobit, Baruch, 2 Maccabees and Wisdom of Solomon do not mention the belief in an individual Messiah (1 Macc. refers only in a general way to the promise given to David). It is possible that during the ascendancy of the Maccabees, with whom the Sadducees were allied, the expectation of a priestly Messiah was taught by some of the latter. The Davidic or priestly origin of the Messiah is, therefore, hardly a criterion by which to determine the leanings of an author of that period. Leszynsky also ignores the fact that resurrection of the body, a distinctly *Pharisaic* doctrine, is taught in the *Testaments* (Benjamin 10. 6-8), and that many of the allusions and references in the *Testaments* are unintelligible without the knowledge of Talmud and Midrash. Its demonology, e. g. Beliar, is certainly not of Sadducean origin. Nor is its advocacy of temperance and total abstinence (Judah 14. 1-3; 16. 2-3, and elsewhere) a Sadducean teaching. See Josephus, *Ant.*, XIII, 10, 6; XVIII, 1, 4; *Abot di R. Nathan*, ch. 5, version A, ed. Schechter, p. 26. To ascribe, therefore, the *Testaments of the Twelve Patriarchs* and their lofty teachings to the Sadducees is entirely unjustifiable.

1 Enoch is also, according to our author, a Sadducean work (pp. 253-67), the purpose of which was to bring about a change in the calendar from a lunar to a solar year. The calendar is the point around which most Jewish heresies revolve. The calendar of 1 Enoch is even more complex than that of the Book of Jubilees (see Geiger, *Jüd. Zeitsch. für Leben u. Wissenschaft*, III (1864-5), 201-3; Epstein, *מקדמוניות מיהודים*, 8). But, as stated above, what proof is there that the Sadducees advocated

a solar year? Part V of 1 Enoch is distinctly Pharisaic (p. 262 ff.). It is now the generally accepted view that 1 Enoch is composed of several originally independent books, and is 'the remnant of a large literature which once revolved around Enoch'. We, therefore, find in it conflicting views concerning the Messiah, final judgement, resurrection, and future life. Moreover, resurrection of the body, an anti-Sadducean doctrine, is taught throughout the 1 Enoch (e.g. 51. 1). To ascribe it to a Sadducean author because of its opposition to the established lunar calendar is, therefore, entirely unjustifiable.

Assumption of Moses is also a Sadducean work, according to our author (pp. 267-75). It is hard to understand why the author believes (p. 269) that Assumption 5. 4 is directed against the Pharisees. 'Who are not priests but slaves' in this verse refers, as was already pointed out by F. Rosenthal, *Vier apokryphische Bücher*, Leipzig, 1885, 38, most likely to Menelaus. The hostility of the author of *Assumption of Moses* to the Maccabees (6. 1 b) is sufficient proof that he was *not* a Sadducee. I fail to find 'These are their teachers' quoted by our author (*loc. cit.*). Do not the words 'They shall assuredly work iniquities in the holy of holies' (*loc. cit.*; see *ibid.*, p. 270) refer to the later Maccabees?

According to Leszynsky, Jesus too was a Sadducee. Like the latter, he fully recognized the validity of the Biblical laws, but rejected *in toto* the Oral Law, the work of the Pharisees. He, therefore, rejected the Pharisaic laws of נטילת ידים (Mark 7. 5 and parallels) and prayer (*ibid.* 12. 40 and parallels). Of the story containing the rejection by Jesus of the *Biblical* laws concerning forbidden food (Mark 7. 14-23 and parallels), only ver. 15 is, according to Leszynsky, the authentic utterance of Jesus. By 'what goes out from your mouth makes unclean' Jesus meant bathing after עשיית צרכיו (pp. 228-91)! Our author refers to several unimportant parallels between the sayings of Jesus and the *Zadokite Fragments* as proof that Jesus followed the Sadducees. But the Sadducean origin of these *Fragments* is still to be proved (see above). The contradictory statements in the Synoptic Gospels concerning many of Jesus' utterances and actions make it possible

to attribute to Jesus, with an equal degree of plausibility, diametrically opposite views. But how does Leszynsky explain the fact that Jesus accepted the anti-Sadducean doctrine of resurrection of the body and in many ways antagonized the Sadducees (Mark 12. 18 ff. and parallels)? The trial and sentence of Jesus was brought about, according to Luke 22. 66 ff. and parallels, by the priestly authorities and by the Sanhedrin which was then in the hands of the *Sadducees*, the high priest Caiaphas and his followers. On the other hand, Jesus ate at the house of a Pharisee (Luke 7. 36), and was warned by a Pharisee of the danger that menaced him (*ibid.* 13. 31). R. Gamaliel, a Pharisee, indeed, defended the Apostles *against the Sadducees* (Acts 23. 6 ff.). In 58 c. E. *Pharisaic* scholars defended Paul against the *Sadducees* (Acts 23. 9), and four years later a deputation of *Pharisaic* scholars complained to Agrippa II of James's execution (Josephus, *Ant.*, XX, 9, 1). Moreover, it is now generally conceded that the strictures of Jesus (Matt. 23. 2 ff.) were directed against a certain class of Pharisees whose hypocrisy is attacked as vigorously in the Talmud as by Jesus himself, and that *later* views concerning the Pharisees, coloured statements about the life of Jesus, caused the substitution of 'Pharisee' for 'scribe' in several of the sayings of Jesus. The view of Leszynsky, therefore, concerning the relation of Jesus to the Sadducees and the Pharisees will hardly be accepted by New Testament scholars. Our author believes that Jesus in prohibiting divorce except in case of adultery (Matt. 5. 31 ff.; 19. 3 ff.; according to Mark 10. 11 he prohibited divorce absolutely) follows the Sadducees. But where is the proof that the Sadducees prohibit divorce?⁸

Few of the many hypotheses of Leszynsky carry conviction.

⁸ Nor is it likely that Jesus derived this view from Deut. 24. 1, taking ערוֹת דבר to mean adultery (p. 294). Leszynsky contends that the early followers of Jesus were Sadducees, and that many laws of the early Church, e. g. the celebration of Pentecost on Sabbath and the prohibition against marrying a niece, go back to Sadducean views (pp. 298, 301-2). This was already suggested by Chwolson, *Beiträge zur Entwicklungsgeschichte des Judenthums*, Leipzig, 1910, 10 ff., but the proof is still lacking.

Thus few will agree with him that the Pharisees received this designation by their method of interpreting the Law (פרש = 'to interpret'; 27 ff.; 107); that נֶזֶק means 'honey' (38 ff.); על מררים in Exod. 12. 8 = 'wine' (207 ff.); לסמוך in the famous Mishnah Hagigah 2. 2 refers to the support of traditional laws by references and אסמכתות from the Bible. The work, however, contains many interesting and stimulating suggestions, and shows erudition and a wide acquaintance with the Apocryphal literature. The style throughout is attractive and forcible. The index and table of contents at the end of the book are useful. The author also devotes a few pages to inconsequential criticism of Prof. Ginzberg's interpretation of several passages of the *Fragments of a Zadokite Work* which appeared in the *MGWJ.*, 1911.

The results which were obtained by the author in this large work were embodied by him in a small popular volume, 'Pharisäer und Sadduzäer' (*Volksschriften über die Jüdische Religion*, hgb. von J. Ziegler, 1. Jahrg., 2. Heft), Frankfurt a. M.: J. Kauffmann, 1912, pp. 70. Noteworthy in this little work is the author's spirited defence of Pharisaism (pp. 7, 69).

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JASTROW'S 'CIVILIZATION OF BABYLONIA AND ASSYRIA'

The Civilization of Babylonia and Assyria. Its Remains, Language, History, Religion, Commerce, Law, Art, and Literature. By MORRIS JASTROW, Jr., Ph.D., LL.D., Professor in the University of Pennsylvania. Philadelphia and London: J. B. LIPPINCOTT COMPANY, 1915. pp. xxv + 515, with Map and 164 Illustrations.

A LARGE volume is required to cover the whole ground of Assyriology which has ramifications in many directions. It is not a simple task to assimilate the results attained by specialists in all the branches of this science and to present them in a form attractive to the general reader, for whom the present volume is primarily intended. This difficulty explains why 'this is the first time that the attempt has been made on a somewhat large scale to cover the entire subject of Babylonian-Assyrian civilization for the English reader'. And, with all due regard to the great merits of other scholars, we may say that there are not many so capable for the execution of such a difficult enterprise as the author of this book. It is indeed a striking and delightful work, popular in the best sense of the term, and it contains the most recent results of research in Assyriological studies. Its perusal will therefore be useful not only for the general reader interested in the civilization of a region where tradition places the cradle of the human race, but also for the student of the Bible, as it calls his attention to most recent opinions on a variety of subjects which have an important bearing upon many biblical problems. The liberal use which has been made of illustrations greatly contributes to the clearer setting forth of the results.

The book consists of eight chapters, the first of which contains the story of the excavations at Babylonian and Assyrian

sites. It surveys the work done by explorers and excavators in the past hundred years intervening between the first efforts inaugurated, on a very small scale, by Claudius James Rich and the present date. The story is told without troubling the reader with too many details, but with due regard to the merits of each one of the pioneers to whom the world owes a lasting debt. Those who desire fuller information on this subject are recommended to the new edition of Rogers's *History of Babylonia and Assyria* (1915), which contains a charmingly written and detailed account of these matters. The second chapter gives the story of the decipherment of the cuneiform scripts. It illustrates lucidly the course of the decipherment of the cuneiform inscriptions with the aid of reproduction and selection of cuneiform signs and combination of such signs into words, in order to make clear to the reader how it was possible to find a key to the reading of the puzzling combinations of wedges which became the medium of written expression in the Euphrates valley.

The third chapter contains a general outline of the History of Babylonia and Assyria, from the oldest times of which we possess records down to the Persian period. Of special interest is the part which deals with the early Babylonian history, since it is largely based on contemporary records which have been published in recent years. As far as the details are concerned, there are several points to which we take exception. The author assigns to the overthrow of Lugal-zaggisi the approximate date of 2675 B.C.E., and accordingly dates the dynasty of Sargon of Akkad, which lasted 197 years, about 2675-2475. This date is highly improbable, if we accept with the author, as is now generally done, the date 2123-2081 B.C.E. for the reign of Hammurabi, based on Kugler's calculations. We see that the Dynastic Lists of Nippur assign to the dynasty of Sargon 197 years, to the rule of Gutium 125, to the dynasty of Ur, founded by Ur-engur, 117, and to the dynasty of Isin 225. The rule of Gutium was preceded by a dynasty of Uruk, which overthrew the Sargon dynasty. The downfall of the dynasty of Isin occurred in all probability in the year of Hammurabi's accession, if not

three years earlier. Now we have not the least reason to doubt the accuracy of these dates, or to assume that the reigns of these dynasties overlapped one another. We further learn from another source that the rule of Gutium was terminated by Utu-ḫegal, the founder of a new dynasty of Uruk. If we allow for the latter a period of about thirty years, as indeed the author does, we find that about 700 years, if not more, must have intervened between the accession of Sargon and that of Hammurabi, and we ought to assign to the former 2800 at least, as an approximate date. Furthermore, while the author fixes the overthrow of Sargon's dynasty in the year 2475 (p. 137), he places Gudea approximately at 2450 (p. 138). He assigns the same date to the Ur dynasty (p. 140). But it is hardly possible that the reign of Gudea and the establishment of the Ur dynasty, which are quite correctly dated by the author, should have been separated from Sargon's dynasty by the short interval of twenty-five years. Moreover, on these points the author seems to contradict himself. He places the invasion of the Guti after Lagash had reached its climax under Gudea, and observes: 'For a period of about fifty years a Guti dynasty actually occupied the throne, presumably choosing Uruk as the seat of residence' (p. 138); 'Utu-ḫegal . . . succeeds in driving the Guti out of the country' (p. 139); '30 years after Utu-ḫegal's accession Ur-engur succeeds in making Ur once more the capital of a united Sumerian kingdom' (p. 140). Thus a period of more than eighty years must have intervened between Gudea and the Ur dynasty. However, as far as I can see, the rule of Gutium must be placed about 2600-2475, the reign of Utu-ḫegal about 2475-2450. Gudea was in all probability a contemporary of the latter and of Ur-engur, the founder of the Ur dynasty. I was also surprised to find that, notwithstanding that the date of 2675 was assigned by the author to the overthrow of Lugal-zaggisi, he gives to Urukagina, who was in turn overthrown by the latter, the approximate date of 2800 B.C.E. (p. 130). This date does not seem to be a misprint, as from Eannatum, whom the author dates about 2920, to Urukagina could not have been more than 120 years. And even this figure is most likely

too high, as Urukagina was the immediate successor of Lugal-anda, who succeeded his father Enlitarisi. The latter had been chief priest of Ningirsu under the reign of Entemena, the nephew of Eannatum.

The author being generally recognized as an authority on all matters pertaining to the Babylonian and Assyrian religion, and thus quite at home in this special department, it is natural that the chief value of the book should lie in the fourth and fifth chapters, which deal with the Babylonian and Assyrian gods, cults and temples. The sixth chapter, entitled Commerce and Law, discusses chiefly the Code of Hammurabi; the seventh describes Babylonian-Assyrian art; and the last chapter gives specimens of Babylonian-Assyrian literature, such as the stories of Creation and Deluge, prayers, penitential psalms, &c.

The author has certainly, as a whole, carried through his task admirably. But there is still one important point that ought not to be left undiscussed. The author holds with Eduard Meyer that the Semites were the first to arrive in the Euphrates valley, and makes this view the starting-point for his treatment of Babylonian-Assyrian history and religion. Now this view is based upon the fact that the Sumerians in the earlier historical periods frequently represented their gods with abundant hair and long beards, while the Sumerians themselves shaved their own heads and faces. It has been found also that the garments in which the gods are represented do not resemble those worn by contemporary Sumerians. Seeing that man forms his god in his own image, it is surprising that the gods of the Sumerians should not have been of their own type. Owing to this phenomenon, Eduard Meyer maintains that the Semites and their gods had been in the country before the Sumerians came upon the scene. He regards the Semites at this period as settled throughout the country, and being a primitive and uncultured people, possessed only of sufficient knowledge to embody the figures of their gods in rude images of stone and clay. The Sumerians who invaded the country settled in the south and drove the Semites northward, and took over from them the ancient centres of their cult.

However, were the Semites the only people in the universe whom nature endowed with hair and beard? We should think that primitive man everywhere let his hair and beard grow freely. Hence is it not more reasonable to assume that the Sumerians retained the primitive cult-images dating from a period when the Sumerians themselves had worn long hair and long beards? The garments of these Sumerian gods have little in common with the Semitic plaid. If the Semites had been the earliest settlers of Babylonia, we should find abundant traces of Semitic influence in the earliest Sumerian inscriptions. But, as a matter of fact, no Semiticism occurs in any text from the period of Ur-Nina down to that of Lugal-zaggisi, who left a Semitic inscription, with the exception of a single doubtful word, *dam-ḫa-ra*, on the stele of Entemena, and that belongs to a time when the Semites had already been in the country for a long period. If the Sumerians had retained the cult-images of the Semites, owing to their sacred character, would they not have retained, in a few instances at least, their former names as well?

Now it must be admitted that the author does not fully concur with the view of Eduard Meyer. The latter is always reluctant to give credit to Semites for their contributions to the progress of the human race, if historical facts do not absolutely demand it and there is some way of evading such a judgement. The author assumes that the Sumerians had brought a certain degree of culture with them, which through contact with the Akkadian population was further stimulated and modified until it acquired the traits distinguishing it at the period we obtain our earliest glimpse of political, social, and religious conditions in the Euphrates valley (p. 121). But then how can the author explain the absence of traces of Semitic influence in the earliest Sumerian texts? [Moreover, for the hybrid character of this civilization it is quite irrelevant whether the Sumerians or the Semites were the first inhabitants of Babylonia. It is a pre-historic problem, and Eduard Meyer's view does not furnish any explanation for the progress of religious thought of the Babylonians in historical times, since 'the mixture of the two factors is so

complete that it is no longer possible to specify the features contributed by each' (p. 187). Nor does this view shed light upon the political conditions in historical times.

We may call attention to the fact that Hebrew tradition apparently indicates that the first inhabitants of the Euphrates valley were non-Semites, and thus confirms the current opinion concerning this problem. We are told: 'And the whole land was of one language and one speech. And it came to pass, as they journeyed from the east, that they found a plain in the land of Shinar, and they dwelt there' (Gen. 11. 1, 2). The tradition evidently refers to that remote period when there was only one language in Babylonia, before it became a bilingual country. And it is said that the first inhabitants arrived there from the east. If they had been Semites, they would certainly have come from the west, the Arabian desert, the original home of the Semitic nomads, whence all the Semitic waves came to Babylonia in historical times. But there is hardly any room for doubt that the Sumerians actually came from the east. In accordance with this Hebrew tradition, the Table of Nations represents the aborigines of Babylonia as non-Semites (Gen. 10. 8-11).

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JORDAN'S 'COMPARATIVE RELIGION'

Comparative Religion: Its Adjuncts and Allies. By LOUIS HENRY JORDAN, B.D. (Edin.). London: Humphrey Milford, OXFORD UNIVERSITY PRESS, 1915. pp. xxxii + 574.

THE 'adjuncts and allies' of comparative religion are anthropology, ethnology, sociology, archaeology, mythology, philology, psychology, and history of religions, and the purpose of the present volume is to indicate the relation of these sciences to comparative religion, and to point out how, and in how far they are in position to promote or retard its progress and development. More especially, the author wants to unfold the process by which comparative religion, 'which is destined to become one of the leading studies of the future', is developing into a separate, self-reliant and independent science. This he attempts to accomplish by a survey of the publications in the cognate and subsidiary sciences which appeared all over the world during the four years between 1910 and 1914, and a critical estimate of the contributions made by them towards promoting the growth and greater stability of the study of comparative religion. To this end the author passes under review some five hundred publications, one third of which, consisting of the more important books, is separately examined and discussed, while the others are grouped under the heading, 'Supplementary volumes', giving names of authors, titles, and place and date of publication.

The book is divided into three parts. Part I, entitled 'Avenues of Approach' (pp. 1-322), examines the works in the eight disciplines enumerated above. All these studies engage more or less in investigations which throw light upon religion, but not one of them concentrates its attention upon the facts of religion. They merely furnish comparative religion with the raw material, as it were. History of religions, which is frequently

'confounded' with comparative religion, is the 'immediate precursor, the logical starting-point, and the vestibule' of comparative religion. The difference between them, however, is that the former concerns itself with the facts, the latter is in search of the laws and the hidden relationships of the facts, and seeks to give a coherent and consistent account of the result and the operation of those laws.

Part II, headed 'The Transition' (pp. 325-506), discusses:

- (1) The evolution of the scientific method;
- (2) Apologetic treatises;
- (3) Translations of representative portions of sacred texts;
- (4) Transactions of Congresses and learned societies;
- (5) Encyclopedias, periodical literature, special works, &c.;
and
- (6) Centres of subsidiary study: Schools of religions and museums.

The books examined in this group are an advance on those of Part I inasmuch as they 'embody, in varying degrees, actual specimens of comparative religion'.

Part III, 'Comparative religion' (pp. 507-522), summarizes the results and the value of the contributions of the subsidiary sciences to comparative religion, consisting (1) in restricting its area, and (2) in determining its legitimate scope.

The author is a veteran worker in the field of comparative religion. He has written three former volumes on the subject and three more are to follow, besides issuing a quadrennial publication under the title of 'Comparative Religion: A survey of its recent literature'. But he has the enthusiasm, emphasis and insistence of a pioneer and discoverer. His endless reiteration of the assertion of the separateness and distinctiveness of comparative religion from all other sciences, and his aggressive defence of the sovereign independence and 'indefeasible authority' of this 'new science', the 'science of the twentieth century', the 'science of the future', is somewhat of a waste of munitions. There have been 'comparativists' with us for some time. But he also has some pertinent and suggestive remarks worthy of

consideration by those engaged in the study of mankind: 'The important fact about the human race is not that it has cherished all the irrational and debasing superstitions registered in *The Golden Bough*, but that it has, in the main, transmuted and transformed them' (p. 8). 'It may be a despicable thing to sneer at another man's faith; but it is equally bad form, and it exhibits equally bad judgement, to overpraise one's own' (p. 369). 'Which religion is "the best", absolutely considered, is a problem which no man need ever hope to solve; the solution lies far beyond his reach' (p. 369). 'It is not more a mistake to declare that this new science [comparative religion] reveals the equal futility of all religions than to affirm that it provides an unanswerable demonstration of the pre-eminence of (say) the Christian religion' (p. 372).

But the chief value of this volume lies in the classified bibliography which will be found very serviceable by all who are in one way or another interested in the study of religions. At the same time this array of publications presents an impressive view of the many-sidedness of religion and of the infinitude of tangents at which it touches human life.

A carefully-prepared index of authors, bibliographies and subjects, filling fifty-two pages, renders the book easy and convenient for reference.

I. M. CASANOWICZ.

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KRETZMAN'S 'EDUCATION AMONG THE JEWS'

Education among the Jews, from the earliest times to the end of the Talmudic period, A.D. 500. By PAUL E. KRETZMAN, Ph.D. Boston: RICHARD G. BADGER; Toronto: The COPP CLARK Co., Limited. pp. 98.

THIS booklet consists of seven chapters, treating of seven consecutive periods of Jewish history, beginning with the earliest times (before the Flood), and ending with the Talmudic period. Each chapter first gives a historical *résumé* of the period, and then discusses the status of education during the same period, based chiefly upon detached sentences and quotations from the Bible and other writings. In his preface, the author 'proudly confesses his absolute rejection of all scientific criticism of the Bible'. While one may sympathize with such a point of view, one will hesitate to accept deductions based upon it as scientifically reliable. The most conservative student of the Bible cannot afford now to shut his eyes entirely to the work accomplished by Bible critics during the past century, if he would produce a work that lays claim to scientific accuracy.

Our author, however, is deficient not only in critical acumen, but also in the knowledge of historical facts. This is especially evident in his treatment of the period of the second commonwealth. He entirely fails to appreciate the work of Ezra, and he does not even mention the activities of the scribes and their tremendous influence on the course of Jewish education. The following quotation is characteristic of the manner in which our author deals with weighty problems of Jewish history: "At this time there were three sects among the Jews", relates Josephus, "the Pharisees, the Sadducees, and the Essenes". This remark is significant, because it shows a high development of

learning among the Jews at that time.' In dismissing the activities of the sects in Jewry and their influence on the cultural life of the Jews with this brief quotation from Josephus, the author condemns himself and his work to speedy oblivion.

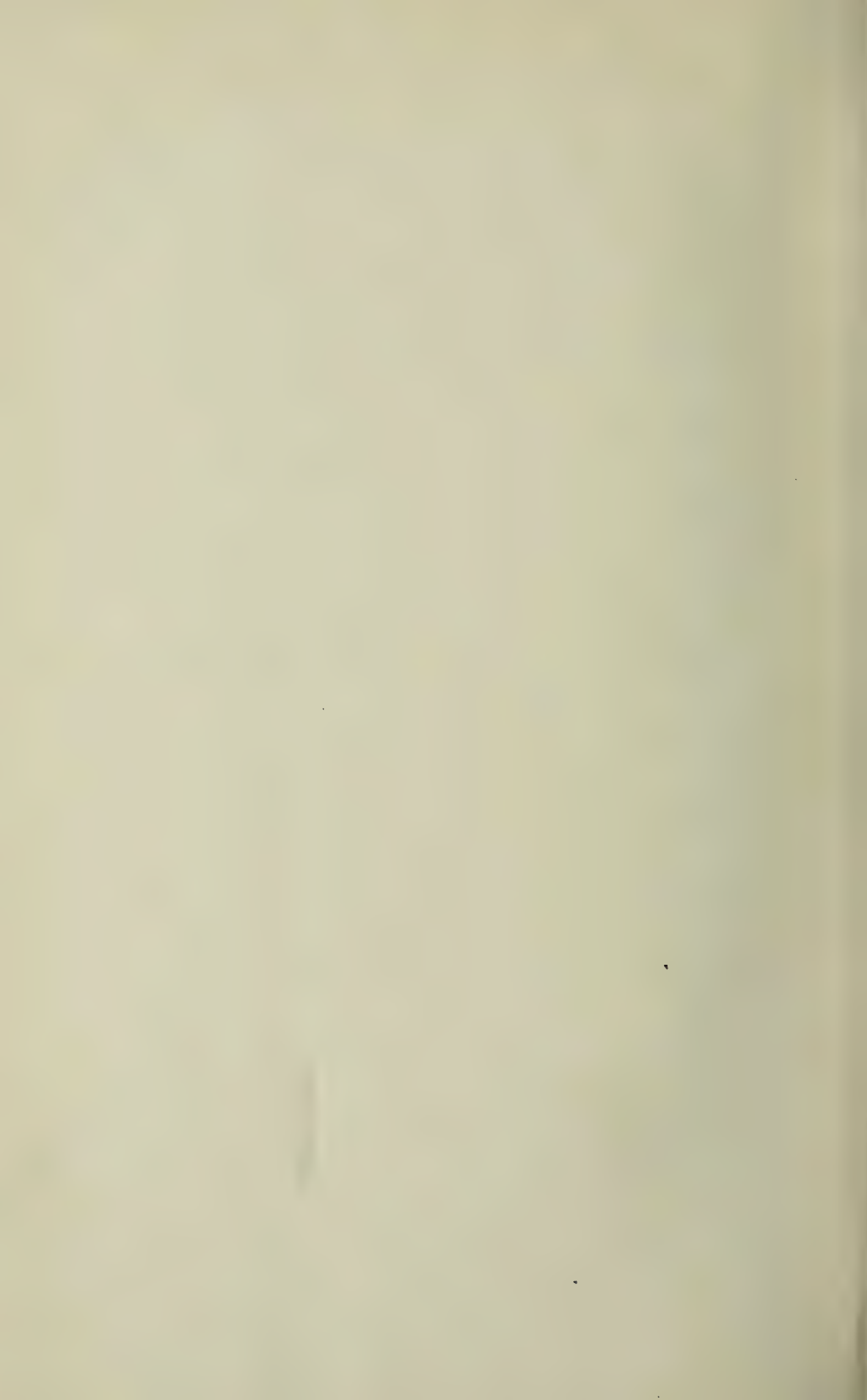
The last one-third of the book is devoted to the treatment of the status of education during the Talmudic period. Although this period has been treated more or less adequately in several monographs, our author did not take the trouble to consult them, but instead went for information to a few popular treatises on the Talmud, as Peters's 'Wit and Wisdom in the Talmud' and Hershon's 'Talmudic Miscellany'. Rodkinson's translation of the Talmud was also consulted by him, but even this not with any degree of accuracy. Hence, the misstatements and mistranslations are often amusing. Explaining the term Megillah, used in the law which makes it obligatory upon women to hear the reading of the Megillah, the author says that the term 'includes the Song of Solomon, Ruth, Lamentations, Ecclesiastes, and Esther', while the term here refers only to the book of Esther. In another place, speaking of the Kaddish, our author mentions that it was 'used upon some very solemn occasions', and that it 'was also taught in early youth, and was thought to have great power, notably also for preserving from Gehenna'. As a reference to this remarkable statement, he mentions 'Tract Kitzur Sh'eh, Hershon, 332, 10'. This is included in his discussion of the state of education in the Talmudic period (Sh'eh probably stands here for Shalah, the abbreviation for Shene Luhot ha-Berit). The references given throughout this chapter are entirely unintelligible to the student of the Talmud, since they probably refer to the divisions and pagination of Rodkinson's edition or of Hershon's book, to neither of which conscientious students usually go for information.

It is very unfortunate that this volume is included in a series entitled 'Library of Educational Methods', which contains several important treatises, thus assuring some degree of authority also for this attempt. It is hoped, however, that any one who will go to this book for reference will soon recognize that it is a

work which offers neither correct information nor even reliable translations of quotations. Let us hope that an authoritative and scientific presentation of the History of Jewish Education will soon be produced, a work that is highly desirable, and that will be greatly appreciated not only by students of Jewish history, but also by students of education in general.

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ATHENAEUM SUBJECT INDEX TO PERIODICALS

The Athenaeum Subject Index to Periodicals, 1915. Issued at the request of the Council of the Library Association. Theology and Philosophy. London: THE ATHENAEUM, March, 1916. PP. 34.

EVER since the suspension of Poole's Index to periodical literature a need was felt for the resumption of this branch of bibliography so indispensable to students engaged in research. For some time *The Librarian* endeavoured to supply this desideratum through a half-yearly 'Index to Periodicals' edited by Alex. J. Philip; but this Index, probably through lack of support, was neither exhaustive nor punctual in appearance. Hence the new undertaking of the Council of the Library Association is truly welcome to every man interested in bibliography. The Athenaeum Index will consist of twelve monthly indexes which, at the end of the year, will be consolidated into a large annual volume. Both the monthly and annual issues will be based on the alphabetical subject-headings of the Library of Congress, but revised, modified, and extended, and including a brief Author Index. All fields of literature from over two hundred domestic and foreign periodicals will be represented, except serial fiction and pure science which are already being indexed by special societies.

The new Index commenced with the year 1915, and the present fascicle on Theology and Philosophy is the eighth part, having been preceded by Indexes on Preventive Medicine and Hygiene, Fine Arts and Archaeology, Sports and Games, the European War, Science and Technology, Music, and Education. The entries in this part number 1031, drawn from 140 journals, and distributed under 614 index headings, with many references.

As an instance, Bible study and criticism occupies two double-column pages with eighty-six entries. Still this list is not exhaustive, owing to the exclusion of periodicals published in countries at war with Great Britain. This, of course, will be remedied at the end of the war.

JOSEPH REIDER.

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THE RESPONSA OF THE BABYLONIAN GEONIM AS A SOURCE OF JEWISH HISTORY

BY JACOB MANN, Jews' College, London.

INTRODUCTION.¹

THE period of the Babylonian Geonim, extending over four centuries and a half of great importance for the history of the Jews, runs in a parallel line with the rise of the new religion of Islâm and the wonderful political ascendancy of the Arabs. In the time of the earliest Geonim falls the Hegira of Muhammed (622 C. E.), and during the whole of the Gaonic period (till about 1050 C. E.), the fate of the greater part of the Jews was coupled with the vicissitudes of the Moslem Empire. We have only to recall to memory the importance of such Jewish communities as Bagdad and Wasit, Kufa and Basrah, Fustât and Cairo, Kairowan and

¹ LIST OF ABBREVIATIONS

- ה"ה = 'Responsen der Geonim', ed. Harkavy, in *Studien und Mittheilungen*, vol. 4, Berlin, 1887.
 ג"ו = תשובות הגאונים, Vienna, ed. Coronel.
 ג"ל = תשובות הגאונים, Lyck, 1864, ed. Musafia.
 ג"מ = תשובות הגאונים הקצרות, Mantua (re-edited by Rabinovitz, Vilna, 1885).
 גמ"מ = בית תלמוד ומערב, ed. Müller, in the periodical *בית תלמוד*, vols. IV and V (also in a separate reprint).
 ג"ק = תשובות גאונים קדמונים, ed. Cassel, Berlin, 1848.
 ה"פ = הלכות פסוקות מן הגאונים, ed. Müller, Cracow, 1893.
 ח"ג = תשובות הגאונים חמדה גנוזה, ed. Wolfensohn, Jerusalem.
 ש"צ = תשובות הגאונים שערי צדק, ed. Modai, Salonica.
 ש"ת = תשובות הגאונים שערי תשובה, ed. Fischl, Leipzig, 1858.
 תש"ר = הלכות ותשובות, תורתן של ראשונים, Parts I and II, ed. Horowitz, Frankfort, 1881.

[See over.

Fez, in order to realize the close connexion between the history of the Arabs with that of the Jewry of that period ; all these cities were founded by the Arabs during the time of their wonderful territorial expansion. What the landing of the Arabs in Spain (711 C.E.) meant both for the Jews of that country and for Jewry at large is well known. The internal history of the Jews of that period is characterized by the spread and the general acceptance of Rabbinic Judaism as embodied in the Babylonian Talmud and by the opposition it was subjected to on the part of the sectarians in Israel, especially the Karaites. The greater part of our knowledge, scanty and fragmentary as it is, about the life of the Jews of that period, is derived from the Gaonic responsa. These letters of reply which the Geonim, as the recognized leaders of Jewry, sent to their correspondents all over the diaspora, comprise the greater part of the literary activity of the Geonim ; in other literary works this period was far from being prolific, and still less productive in historical books. It should be kept in mind that even in the chronology of the period, from the

Geon. II = *Geonica II*, containing שאלות ותשובות הגאונים מן הגניזה אשר במצרים, ed. Ginzberg, New York, 1909.

JQR. = *Jewish Quarterly Review*.

RÉJ. = *Revue des Études Juives*.

Monatsschrift = *Monatsschrift für Geschichte und Wissenschaft des Judentums*.

Einleit. = *Einleitung in die Responsen der Babylonischen Geonen*, by Dr. Joel Müller, Berlin, 1891.

ZfHB. = *Zeitschrift für Hebräische Bibliographie*.

Gr. V⁴ = Graetz, *Geschichte der Juden*, vol. V, fourth edition, 1909.

Sherira's *Letter* is quoted according to Neubauer's *Mediaeval Jewish Chronicles*, vol. I (*Anecdota Oxoniensia*, Semitic Series, vol. I, part iv, 1887).

The dates of the Geonim are given according to the 'Synchronistic List of the Geonim of Sura and Pumbedita' by Epstein and Bacher in the *Jewish Encyclopedia*, sub 'Gaon'.

time of the last Amoraim till the end of the Gaonate, we would not find our way were it not for such a responsum known as the *Letter* of Sherira.² In fact, these responsa, as far as they are extant, are a real treasure-trove for the knowledge of the life of the Jews of that period, especially in such points where the information to be obtained from external sources entirely fails. The responsa furnish in particular ample material for our knowledge of the internal life of the Jews: their relations to the authorities and to their non-Jewish neighbours, their economic position, their communal organization, and their standard of culture and morality. All this material has not yet been made use of sufficiently; the Jewish history of that period was rather treated as a collection of biographies of the prominent spiritual and communal leaders. Important as this aspect of historical treatment is, the life of the people as a whole is of sufficient importance to be investigated and understood. In this treatise therefore the latter course of historical investigation will chiefly be followed.

In the following pages the responsa of the Babylonian Geonim only are considered, so that the general results obtained can hardly claim to be exhaustive and complete. In using the responsa for the purpose of reconstructing history great care has to be exercised. These responsa, when sent by the heads of the two great Babylonian Academies, had formal headings and conclusions,³ according

² Likewise the report of Nathan the Babylonian about the installation of the exilarch (in Neubauer, *Med. Jew. Chronicles*, II = Neub. II, 83-5) is quoted by Ibn Verga in his *Shebet Jehuda*, No. 42, as found in 'the responsa of early Geonim' (בתשובות גאונים ראשונים).

³ Some concluding phrases of the responsa are similar to those of the Muhammedan Fetwās, see Goldziher, *ZDMG.*, LIII, 645-52 and Müller, *Vienna Oriental Journal*, XIV, 171.

to the fashion of that age, in which the dates of composition as well as the names of the correspondents and the positions they held in their communities were mentioned. Unfortunately in most responsa at our disposal these formalities were not preserved. The several collectors of these responsa were chiefly anxious about the preservation of the Halakic decisions of the Geonim, and everything else was regarded as superfluous and was accordingly omitted. For the same sake of brevity the letters of question which the correspondents addressed to the Geonim are in most cases either abridged or not extant.⁴ Thus it results that in many cases the names of the Geonim are not mentioned at all, or there are differences in the various collections as regards the authors of the responsa, especially when they deal with similar cases. In a still less degree have the names of the correspondents, their places of residence, and the dates of composition been preserved. As a result, it is often very difficult to fix the place and the time of an event or custom we learn from the responsa. Similarly only on rare occasions are the names of the parties concerned given in the responsa. The men are called as a rule by the names of the twelve tribes in the order given in the Pentateuch, e.g. Reuben, Simeon, &c., or they assume other Biblical names; whereas the women are named after Jacob's wives, Leah, Rachel, &c. (cp. e.g. ג"ק, No. 132). Likewise it is difficult to ascertain the amounts of money invested in partnerships or in other business transactions. When copying the responsa, the

⁴ Cp. e.g. גמ"מ, No. 153: ושישאלתם שמועין שירד לגן ראובן באלמות ברא, where reference was made in the complete form of question to an historic event concerning the Jews, as the answer of the Rabbi or Gaon shows.

scribes usually used the Talmudic expressions: 100 Minae (מאה מנה) or 100 denarii (מאה דינרין) (cp. e.g. ח"ג, No. 49). The expression מדינת הים is used for any country to be reached by sea from the place of the correspondent.⁵

As regards such responsa, the place of destination of which is unknown, it may be argued that they were sent to communities distant from the academies. For the nearer communities there was no need for written answers; the scholars and the disciples that visited the two Academies during the large gatherings in the Kallah-months,⁶ hailing from the various communities around the academies, brought with them theoretical as well as practical questions and received the required answers orally from the Geonim. Only the distant communities in Persia, and especially those outside Babylon, sent written questions, for which written answers were required. Thus there actually exist responsa to the distant community of Basrah at the Persian Gulf, as will be shown later. R. Hai Gaon in a responsum to Kairowan (in *Or Zarua*, II, § 432, p. 177) mentions that the Halakhas of R. Yehudai Geon were known in Babylon only a hundred years after his death, when Jewish captives from Christian countries brought them to Babylon (cp. Epstein on the *Halakot Gedolot* (ה"ג), p. 21, and also Eppenstein, *Monatsschrift*, 1911, 732, note 1). This shows that

⁵ Cp. also the interesting remarks by the correspondent in יו"ת ר"י מינאש, No. 114 (cited in בית תלמוד, I, 115 ff.), about the collections of Gaonic Responsa: ולא נעלם מאדונינו שהתשובות אינן עומדת על מצב אחד בפרט הישנות, מהן שנכנס בהן ההפסד מצד המעתיקים אותן, ועם זה יחסו קצת מתשובותיהם לזולת בעליהן, גם הרבה מהנאונים הורו בתשובותיהם על שאלה אחת ואח"כ חזרו בהם מאותה הוראה או השיגו מורים אחרים בכך.

⁶ Cp. the description in the report of Nathan the Babylonian (in Neub., II, 87-8). See also ג"ג, No. 312: אבל כתב בעל ההלכות בענין הזה: והגיד לנו ששאלו החכמ' את מר ר' חנינאי גאון בחדש כלא . . .

these decisions of R. Yehudai were originally sent to congregations abroad. We find further R. Hai having no knowledge of responsa of his predecessors which his correspondents from foreign countries quote (see נ"ה Nos. 80, 260, 376, and 383). All this proves that most of the extant responsa were sent to communities distant from the academies. (About the various collections of the responsa see Müller, *Einleit.*, chs. 1-13.)⁷

I. THE JEWRIES OF THE DIASPORA AND THEIR RELATIONS WITH THE BABYLONIAN GEONIM.

The influence of the Geonim extended over a wide field. Babylon, Asia Minor, the countries around the Mediterranean, including even France and Germany, are all represented in the great number of responsa the Geonim sent to their correspondents all over the Diaspora. From these letters of the Geonim we learn either of the existence of Jewish communities in the above countries, or we obtain new information about those that are already known from other sources. There converged at Sura and Pumbedita, as

⁷ Most of the responsa contained in the collection which forms a part of Brit. Mus. Add. 26,977 (see Margoliouth, *Catalogue*, II, No. 566, and cp. Marx, *ZfHB.*, XIII, 172) are the same as found in ג"ל, though the order is somewhat different.—Of more interest is Brit. Mus. Add. 27,181 (see Margoliouth, *l. c.*, No. 565) containing extensive extracts from Juda Albarceloni's ספר הדין, a part of which formed ס' השטרות from which considerable extracts are also to be found in the MS.; Halberstam's edition of פ' שטרות לברצלוני בקצרה (1898), from Bodl. 890³, should be compared with these extracts. As is the case with the other writings of Barceloni, the Gaonic responsa as well as those of Alfasi have been fully cited in this ס' הדין. Several of these responsa are not to be found in the other collections.

it were, connecting links from all the various communities, which transmitted on the one hand instruction and spiritual guidance from both those centres of Jewish learning, and recorded on the other hand the conditions of Jewry in the countries of its dispersion. At the beginning of the Gaonic period the influence of the Geonim probably extended only as far as Babylon. This fact will account for the very small number of responsa we possess from the earlier Geonim. Only with the growth of the Arabian expansion to the north and east of Arabia, and especially to the west reaching to Spain, and occasionally even to southern France and southern Italy, the sphere of activity of the Geonim widened, and the connexions of the academies with the outside communities increased. In the time of R. Hai (998-1038), the last of the Geonim, this intercourse reached its maximum. We shall now consider in detail the relations of each country with the Geonim.

1. *Irāk (Babylon)*. Irāk was the most important centre of Jewry during the Amoraic times and large numbers of Jews must have lived there. This position of importance Irāk retained throughout the Gaonic period. It was only towards the close of the Gaonate that the centre of gravitation was transferred to Spain and other European countries. During the time of the Amoraim till the beginning of the Gaonic period, the bulk of the Jews of Irāk must have lived around Nisibis, Nehardea, Meḥusa, Sura, and Pumbedita. Already at the beginning of the third century, when Rab came to Sura, many Jews lived in that district.⁸ Of the large Jewish communities at Nisibis and Nehardea we learn already from Josephus (*Ant.*, XVIII, 9¹,

⁸ See Sherira, *Letter*, 29, top: ואיתרחיק לדובתא דלא הוה ביה תורה והיא : סורא דהיא מתא מחסיא והוו ישראל נפיש התם . . .

§§ 311-12 and 9^o, § 379). Several other Jewish communities in Babylon are referred to in the writings of the Geonim. Most of them are known already from references in the Babylonian Talmud. The references, however, that are to be found in the Gaonic literature, show us that these communities continued their existence for several centuries later. The Gaon of Pumbedita in 589 was R. Ḥanan of Iskiya, which place is perhaps identical with Sekia on the eastern bank of the Euphrates (see Brüll, *Jahrbücher*, II, 54, note 80). The community of Nehar Pekod was represented at the Academy of Sura by three Geonim, viz. R. Ḥaninah in 689, R. Jacob in 715, and Mar R. Mari ha-Cohen in 751. The Gaon of Pumbedita after 689, R. Ḥiyya, hailed from the province of Messene (מִישֵׁן), near the Persian Gulf. R. Aḥai, the well-known author of the Sheeltot, was from Shabḥa. The community of Naresh had the honour of having one of its sons, R. Nehilai, attain the dignity of Gaon of Sura (697). The Gaon of Pumbedita in 798 hailed from Shilḥa (שִׁלְחָה; about this place see *Gcon.* I, 41, note 1). From a place called בְּלוּאֲרִי, near Bagdad, came R. Isaiah, the Gaon of Pumbedita in 796 (*Letter*, p. 37, l. 12: בְּלוּאֲרִי מִתַּח דְּמַחְקֵרְבָא לְבִנְדִּיר).

The last two centuries of the Persian rule in Babylon were for the Jews centuries of suffering and persecution for their religion, as we learn from the scanty information Sherira gives in his *Letter* (p. 35, top, and p. 33, bottom; Gr., V⁴, 3-16). Some details as to the dealings of the Magians are to be obtained from גִּזְרֵי, Nos. 297-8. There used to be a weekly tax upon every household to contribute wood for the fire-temples, and Jews had to contribute as well. Further, on a certain night, called יְצִדָה, the Magians used to exact from every house candles for illuminating

their temples. With the advent of the Arabs (637–43 C. E.), the lot of the Jews was changed for the better, and the religious persecutions ceased. Perôz-Shabur, or Anbar,⁹ must have been then an important Jewish centre. Ali, the fourth Caliph, on his coming to Irâk in 655, was received near Perôz-Shabur by the Gaon R. Isaac at the head of a procession of ninety thousand Jews (Sherira in his *Letter*, 35, note 16, according to one reading). The town of Bagdad, however, founded by al-Manşûr in 762, but not finished till some years later, soon became the principal centre for the Jews of Irâk. A vivid picture of the enormous trade that flourished there is drawn by Kremer, *Culturgeschichte des Orients*, in the chapter headed 'Die Stadt des Heils' (vol. II, C. 2; see also Weil, *Geschichte der Kalifen*, II, 76–7, and Aug. Müller, *Der Islam im Morgen- u. Abendland*, I, 471 ff.). Jews settled in Bagdad soon after its foundation. Graetz (V¹, 179) refers to the fact that R. Natroi, the successor of R. Samuel (748) to the dignity of Gaon of Pumbedita, was from Bagdad, as Sherira reports in his *Letter* (p. 35, bottom: וּמֵן בְּנֵדָאָר הוּא וּמֵן תּוֹתִירָא בְּרָא). But it is hardly possible that the Bagdad founded by Manşûr is here referred to. R. Natroi's successor, R. Dodai, became Gaon already in 761, i. e. before the foundation of Bagdad! The Gaon R. Natroi must have therefore come from the town called Bagdad that existed in that neighbourhood before the coming of the Arabs (see Berliner, *Beiträge zur Geographie u. Ethnographie Babylonien*, p. 25). From other references, however, we learn of the growth of the Jewish community in the Bagdad of Manşûr which soon outstripped its other namesake both in fame and greatness. About 814–16 the Jewish community there

⁹ About Anbar, see Gr., V¹, 444, n. 1.

was already so important that the two rival Geonim of Pumbedita met there for the Kallah (כלה) meeting of the Academy (Sherira, *Letter*, 38, l. 5 ff.). Probably they held this gathering in the presence of the Exilarch, who must have had his residence in Bagdad, the seat of the central government of the empire since the accession of the Abbasides (761). As the political head of the Jews, the Exilarch had often to confer with the central government at the court of the Caliph (see Nathan's report in Neub. II, 84, bottom, and 85, top). When Jews had grievances against the authorities, they would turn to the Exilarch for intervention by the central authorities on their behalf. That the Exilarchs Ukba and David b. Zakkai lived in Bagdad we learn from Nathan's report (Neub. II, 78 ff.), where בבל seems to be identical with Bagdad (so also Gr. V⁴, 454, note 2). Al-Kaṣr, a suburb of Bagdad, was the birthplace of David b. Zakkai (Nathan, *ibid.*, 79, cp. Ginzberg, *Geon.*, I, 40, note 3). There lived also in Bagdad Jewish magnates of great influence at the Caliph's court. In the quarrels between Ukba and Cohen-Zedek, as well as between David b. Zakkai and Saadya, we see these magnates exerting their influence in favour of the one side or the other (see Nathan's report, *ibid.* II, 78 ff.). A somewhat legendary account of the influence of the Jewish magnate Netirah has been edited by Harkavy in *Berliner's Festschrift*, Hebrew part, 35 ff. Netirah's sons, Sahl and Isaac, were also both prominent men at the Caliph's court. After the death of David b. Zakkai, it seems that these magnates continued the practice of the Exilarch in intervening at the Caliph's court on behalf of the Jews. Thus in a responsum by some Rabbi the leaders of the community, to whom this responsum is

addressed, are requested to inform the Rabbi of their petitions and requests, who in his turn would instruct the influential Jews of Bagdad to intervene on their behalf with the central authorities (*Geon.*, II, 87: וכן כל הפיך ושאלה אשר יהי לכם מצד המלכות הגד תנידוהו לפנינו כי אז נצוה את בעלי בתים חשובים אשר בבגדד אשר אנחנו יושבים ביניהם (בני מר' נטירא ובני מר אהרן . . . ואז ישיבו לכם מאת המלך . . .)). These 'sons of Aaron' are probably identical with those whom the Gaon R. Nehemiah (of Pumbedita, 962) in a letter (published by Cowley, *JQR.*, XIX, 106) mentions as the treasurers of all the donations sent for the Academy (l. 23: ויהיה הכל על ידי בני אהרן שמרם אל). Perhaps the above responsum was also sent by R. Nehemiah, to whom, as it seems, the influential Jews of Bagdad lent their support. Ginzberg (*Geon.*, II, 87) thinks that the author could not have been a Gaon, since he lived in Bagdad. But from casual references it appears that both Sherira and Hai carried on their official duties for some time at Bagdad. Thus we find R. Hai (see *infra*) in נ"ה, No. 278, using the same phrase, הבין חוינא כי המדינה הזאת שאנו עכשיו בתוכה והיא בגדאד. Probably the responsum was sent from that city. See further the extract from a Genizah letter (cited by Poznanski, *Babyl. Geonim im nachgäon. Zeitalter*, p. 90): בגדאד מן מרחשון מן בגדאד: ומכתב יחיה בשלומי הניע בקץ מרחשון מן בגדאד עם מכתב אדוננו הא"י גאון ש"צ אמר כי הוא יושב ושונה לפניו הלכות גדולות. Sherira in a responsum (*Geon.*, II, 206, l. 7 ff., missing in גמ"מ, No. 44, where it is ascribed to Sherira) writes וכל הדברים הללו היו נוהגין בהם החכמים בזמן שהיו בנהרדעא גם סב . . . (= בסורא) אבל עכשיו שנין בענו¹⁰ בבגדאד המדינה הגדולה . . .

Still more noteworthy is MS. Bodl. (Hebr. c. 28. 49) containing a deed, apparently the confirmation of a will, drawn

¹⁰ Read שנקבענו (so also Aptowitzer, *M Schr.*, 1911, 378).

up at the הגדול בי"ד of Sherira which met in Marheshwan, 1309 Sel.=998 C.E. at *Bagdad* בשוקא עתיקא.¹¹ Lines 6-10 read as follows: (6) . . . [בב]א דמתיבתא בבית דינ[א] דמרנא ורבנא שרירא (7) [ב]ר[ה] [ד]מרנא ורבנא חנניה ראש מתיבתא בירח מרחשון (8) [דשנת אל]פא ותל[ח]ת מ[א]ה ותשע שנין למ[ני]נא דר[גי]לנא [בי]ה בשוקא עתיקא (9) דבגדר דעל צדי [דגל]ת טאמי מ[ותבה] חצר [קדמנא] אלי באב (10) אלמתיבה אלי בית דין הגדול מר חביב בן מר אסמ[עיל] וכו'. The document is signed (l. 23) by שלום בן אברהם [ס:]עדיה בן שלום and countersigned by Sherira (ועליה כרוה שרירא ראס | אלמתיבה | ישע רב). The former seem to have been בי"ד הגדול דייני דבבא of Sherira at Bagdad. This fragment is of importance in showing us that in the very year of his resignation (or a year before, if we take Sel. to begin in 312 B.C.E.), Sherira presided over the supreme court of the Academy which sat at Bagdad. This will throw new light on the disputed question about the two separate courts of Sherira and Hai in the period of their common activity (see especially Aptowitz, *JQR.*, N. S., IV, 35-8). The superscription of ג"ה, No. 198, mentions that the responsum came to שער הישיבה שלגולה לפני אדוננו האיי ראש ישיבת גאון יעקב ונקראה לפנינו וצוינו לכתוב את תשובתה וגם הורמה אל בית דין הגדול לפני אדוננו שרירא ראש הישיבה הגדול ועמד עליה וצוה לחתום על אל שער ג"ה, No. 371, mentions that the responsum, ¹² Likewise

¹¹ Dr. Cowley (in *Catalogue of Hebr. MSS.*, vol. II, 378, 49) thought that the 'מרוך חנניה ר' מת' and מרוך שרירא ראש מתיבתא 'בי"ד הגדול'. But it is evident that the fragment speaks of Sherira the son of Hananya. We find Sherira addressed in this way in ג"ה, Nos. 315, 329, 371 and 419. Poznański, in *ZfHB.*, X, 143-4, failed to note this, and thus suggested that Hananya was Dayan in Bagdad. I have consulted Dr. Cowley on this point, who in reply kindly sent me his own copy of the fragment. I find that there he also conjectured this. My thanks are due to him for his kind permission to extract the lines in the text from his copy.

¹² Bodl. 2660⁴, Arabic responsum, is the same as ג"ה, No. 198.

איתשיל מקמי רב שרירא גאון בית דין הגדול ולבית דינו של ישראל, and also in Ittur, I, 61^d, we read רב שרירא גאון בית דין הגדול ולבית דינו של רב האיי. Now to explain all these passages to refer exclusively to the period between Sherira's abdication and demise, about 998-1000, when out of deference to the retired Gaon his name was inserted in the documents issued by the Academy, as Aptowitzer does, is forced. It is more likely to assume that Hai, after having been ordained as אב"ד, looked after the affairs of the Academy at Pumbedita while Sherira presided over the הגדול בי"ד at Bagdad. Thus responsa had to be sent up from the Academy to Sherira for ratification. After Sherira's death Hai presided over the הגדול בי"ד at Bagdad, and thus we find him writing from this city. Likewise the Gaon Nehemiah (962) might have lived in Bagdad as the president of the supreme court. The transfer of the court from Pumbedita to Bagdad probably took place during the interregnum of the Exilarchate after the death of David b. Zakkai. There was need for a central Jewish authority at the capital of the empire and as a substitute for the Exilarch's supreme court, the באבא דמרותא (see *infra*), the Gaon of Pumbedita had to transfer his supreme court to Bagdad. From the letter of the Exilarch Hezekiah II, dated Nisan, 1332 (?) Sel. = 1020 (?) (published by Kamenetzky, *REJ.*, LV, 51-3), we know now about the intervals in the occupation of the Exilarchate after David b. Zakkai.¹³ However, this Exilarch seems to have re-established his own supreme court (cp. l. 24: שא שלום ממני ומראשי שתי

¹³ מן יחזקיהו רא"ג בן דוד בן יחזקיהו ר"ג בן יהודה בן דוד ר"ג: 11.1-4. Thus after the death of David b. Zaccai there was an interregnum. David's grandson, Hezekiah I, only again assumed the dignity. Hezekiah's son, David, again does not bear the title of ר"ג, only his son Hezekiah II.

ישיבוח (i. e. Hai and Sam. b. Ḥofni) ומן אברהם אב בין דין וכו' who seems to have been the דמרוחא (ריינא דבבא דמרוחא).

Next to Bagdad there must have been an important Jewish community in Basrah, which city was founded in 635. Owing to its favourable position, Basrah soon became the centre of the maritime trade of the empire, especially after the foundation of Bagdad, when it was connected with this town by means of canals (cp. Aug. Müller, *ibid.*, I, 235). The Jewish community there was under the jurisdiction of the Sura Academy, as Nathan tells us in his report (Neub., II, 86, bottom). Accordingly we have responsa addressed to Basrah by the Sura Geonim R. Moses, 823 (*Geon.*, II, 212-13; therein is also mentioned a small Jewish community in הובלת, Obolla) and R. Naḥshon, 874-82 (*Geon.*, II, 33, bottom, and 34, top). Only in the time of R. Hai we find questions from Basrah sent to the Academy of Pumbedita (*Geon.*, II, 71; probably ג"ה, Nos. 221-2, 422 are also by R. Hai). In *Geon.*, II, 71 the correspondents of R. Hai state that disciples have learned the passage of Talmud, which formed the subject of their questions to the Gaon, before the head of the Academy of Sura (תלאמרה גלפו פי דאר ראם מתיבה סורא).¹⁴ Probably this refers to Samuel b. Ḥofni, the last Gaon of Sura. After his death in 1034, the scholars of Basrah sent their difficulties to R. Hai. There is no proof for Eppenstein's statement (*Monatsschrift*, 1911, 469) that after Saadya's death the activities of the Sura Academy were continued in Basrah. It is true that Saadya's opponent, Joseph bar Satia, not being able to keep up the Academy at Sura after Saadya's

¹⁴ Poznański's inference from this passage that 'there was in Pumbedita a residence for the scholastic president of Sura' (*JQR.*, N.S., III, 416) has no foundation, as the responsum came from Basrah.

death, settled in Basrah (*Letter*, p. 40). But it is nowhere mentioned that he held any official position there as the head of a school. From Nathan's report concerning the income which the Exilarchs as well as the academies derived from the Babylonian communities (Neub., II, 86-7), we learn that Jews lived in the districts of Nahrwan and Holwan as well as in the provinces of Fars (פרס) and Chorasán. This we find corroborated in Gaonic responsa. Sherira and Hai speak of Jews in Media, Persia, and Elam (in a responsum published by Harkavy in the periodical *הקדמ*, II, p. 89). So also R. Hai in another responsum (quoted in *ספר העתים*, ed. Schorr, p. 27) mentions communities in 'Elam and the islands of Persia'.¹⁵ Of particular

ועדין יש ספרי אפמרתא שיש בהם ענין למנהגו לכל שנה . . .¹⁶ ויש מקומות בארץ עילם ואיי הים של פרס שרגילין בה עד עכשו. Cp. further *Geon.*, II, 279, ll. 12-13. About the Jews of Charasan, cp. Harkavy, *מאסף נרחים* (in *המליץ*, 1879, 81) where he quotes Moses Ibn Ezra in the name of Saadya, *קרה לשארי בני גלות* (שכחת ל"הק בגלות בבל). From Nathan's report (Neub., II, 78) we learn that Charasan belonged to the sphere of influence of the Pumbedita Academy and that the deposal and exile of the exilarch Ukba was due to his attempt to deprive the academy of the revenue from this province. This is corroborated by an interesting responsum by Hai which I have copied from Brit. Mus. Add. 27,181 (cp. above, note 7) fol. 15^a (נ"ח). וכתב רב האי זל' הו' יודעים כי הפסד גדול אצלכם בזה שיש לכם מנהג לקדש אשה שלא בשעת הכתובה או שטר אירוסין, ואעפ' כי האשה מתקדשת בשוק בפני שנים, אלא שיש במנהג זה הפסד. ומק' שנה לא נשמע בבבל כזאת. ואין יודעין כל עיקר קידושי אשה אלא בשעת כתובה. ובכוראסן היה מכמה שנים יותר מק' שנה מנהג לקדש בטבעת במושב משתה וכיוצא בזה. ורבו הטענות טענות וכפירת קידושין ויצא הרבר להפסד. ותיקן להן זקיננו מרנא (מרנא ר.) ורבנא יהודה גאון שלא יקדשו אלא כסדר בבל בכתובה וחתם ידי עדים וברכת אירוסין. וכל שאינו כסדר הוה תיקן להן שאין חוששין לו כדאמ' כל המקדש אדעת' הרבנן קמקדש ואפקיענהו רבנן לקידוש' מיניה. אף אתם ראויים לסלק מנהג כזה וכל המקדש שלא בכתובה ובשטר אירוסין קנסוהו עד שיתקן הרבר. We see

Jewish communities mention should be made of Nehavend from whence the well-known Karaite Benjamin (800-820), and of Isfahan in Persia where the imposter Abu-'Isa declared himself Messiah in the reign of the Caliph Abdul-Melik, 685-705 (see Gr., V⁴, 173-5 and note 15). In Nisibis there lived a member of the Davidic family who, but for an unfortunate event, would have succeeded David b. Zakkai to the dignity of Exilarch (cf. *infra*). Among the Babylonian Jews there settled a number of Jews from foreign countries. A number of Jews, whom Omar drove out from Haibar in Arabia (about 640), settled near Kufa (Gr., V⁴, 119). R. Hai reports a responsum (above, p. 465) of Jewish captives from Christian countries that were brought to Babylon, probably during the wars the Arabs had with the Byzantines in 863-4 (see Epstein on the הלכות גדולות, p. 21). Finally, owing to the large trade carried on between Egypt and Babylon, many Egyptian Jews settled in Babylon, as R. Hai tells us in a responsum in ג"נ, No. 285, end.¹⁶

2. The next country to be considered after Babylon is *Palestine*. Very little is known about the conditions of the Palestinian Jewry during the Gaonic period (see Gr., V⁴, 17-32, and now also Krauss, *Studien zur Byzantinisch-jüd. Geschichte*, Vienna, 1914, p. 1 ff.). Some new information is to be obtained from Genizah Fragments. The persecutions which the Palestinian Jews were subjected to under Heraclius, immediately preceding the advent of the Arabs,

thus that it was the Pumbedita Gaon, R. Juda b. Mar R. Samuel (906-18), the grandfather of Sherira, who induced the Jews of Chorasán to alter their custom in uniformity with that of Irāk (בבל).

... והרבה מצויין מבני מצרים יבאין לבבל ושוכנין בעבכרא או בנדרואני ונודעין כן לאחר כמה שנים אלעכברי ואלנהרואני. This probably refers to Jews.

are described by a supposed contemporary of R. Jehudai of Sura (760). The Byzantine rulers decreed that the Palestinian Jews should neither read the Sh'ma nor say their prayers, but they allowed them to assemble in the synagogues on Sabbath morning for the purpose of reciting Psalms.¹⁷ As soon as the Arabs conquered Palestine all these persecutions were stopped. At the beginning of the Muhammedan rule there took place some influx of Arabian Jews who were expelled by Muhammed and Omar. A part of the Banu Kainuka settled in Palestine in 624, a group of the Banu Nadir followed them in 625, and finally a number of Ḥaibar Jews in 640 (see Gr., V⁴, 109 and 111; Leszynsky, *Die Juden in Arabien z. Zeit Mohammeds*, 63, 72-4 and 114). Very little is known of the Palestinian Jews in the time of the early Geonim. From the fact that R. Aḥa of Shabḥa left Babylon for Palestine about 760 (*Letter*, p. 35 bottom and 36 top), where he composed the well-known שאילחות, a collection

¹⁷ *Geon.*, II, 50-51 (see *ibid.*, pp. 48 f.): וכן אמר מר יהודאי ז"ל שגזרו: שער על בני ארץ ישראל שלא יקראו קריית שמע ולא יתפללו והיו מניחין אותן ליכנס שחרית בשבת לומר ולומר מעמדות והיו אומרים בשחרית בשבת מעמד וקדוש ושמע במוסף והיו עושים דברים הללו באונם ועכשיו שכלה הקב"ה מלכות אדם וביטל גזרותיה ובאו ישמעלים והניחום לעסוק . . . בתורה. (Cp. *Geon.*, I, 207, top, and II, 420.) Ginzberg (p. 48) assumes that the author of the responsum was a Palestinian. This is not clear from the fragment; nor is it certain that it constitutes a part of a responsum. It may perhaps be a part of תלמידה דראבא פירקין בן באבוי תלמידה דראבא, who in his turn was the disciple of Yehudai Geon (cp. especially, Schechter, *Hoffmann-Festschrift*, Hebrew part, 262). As Ben Bebai's master was Yehudai's disciple, it is only natural that Yehudai should figure so prominently in Ben Bebai's פירקין, as we find in the fragment in *Geonica*. It would be of interest to compare the handwriting of fragment Schechter with that of Geon. (T.-S. Loan 97). It should be added that T.-S. 10 K, 9^f also contains a colophon וראבא ותלמידה דראבא פירקין בן באבוי תלמידה דראבא. תלמיד מרב יהודאי גאון זכ"ל.

of sermons delivered on Sabbaths, it was inferred that there must have existed then Jewish communities in Palestine (see Gr., V⁴, 179-80). Likewise the pilgrim Willibald who visited Palestine in 765 writes, 'ibi (Tiberiade) sunt multae ecclesiae et synagogae Iudaeorum' (quoted by Graetz, *ibid.*, 122, 3). The responsum of R. Jehudai's contemporary, mentioned above, adds new information about the Palestinian Jewry of those times. There existed several communities in Palestine and in some of them, including Jerusalem, Babylonian Jews that settled there were in such considerable numbers, that they could enforce their will in matters concerning the ritual of the synagogue.¹⁸ We learn further from גמ"מ, No. 39, that Jews from Africa as well as from Babylon married women in Palestine and settled there. Probably these Babylonian Jews continued their connexions with the Geonim and their Academies. Among the countries that sent material support to the Babylonian academies Palestine is also included (Ibn Daud, ed. Neubauer, p. 67: וקודם לכן היתה סבה מאת הקב"ה שנכרת: חוקם של ישיבות שהיה הולך מארץ ספרד וארץ המערב ואפריקא ומצרים (וארץ הצבי). Yet only a few responsa are extant wherein it is expressly stated that they were sent to Palestine.¹⁹ R. Hai

¹⁸ *Geon.*, II, 52, ll. 20-24: אין אומרים בא"י קדוש ושמע אלא בשבת: או בימים טובים בלבד בשחרית בלבד חוץ מירושלים ובכל מדינה שיש בה בבליין שעשו מריבה ומחלוקת עד שקיבלו עליהם לומר קדושה בכל יום אבל בשאר מדינות ועיירות עבא"י שאין בהם בבליין אין אומרים קדוש אלא בשבת ובימים טובים בלבד.

¹⁹ On the other hand, cp. הדר זקנים 55 a (cited by Berliner, *ZfHB.*, IV, 149): ומצאתי שהובאו קונדריסין אל רב עמרם נאון הגולה מר' הלל: (149) שהיה מארץ ישראל, אני הלל ראיתי קברי אלדד ומירד אחי אהרן מן ג"ל. The well-known responsum in ח"ג, No. 93 (cf. ג"ל, No. 8, and ח"ג, No. 166 in the name of Hai) is headed in Or. 1054, fol. 87 a (see Margoliouth, *Catalogue*, III, 509, col. 2) מחש' אנשי ארץ ישראל לבבל. This can hardly be correct as in the responsum (in ח"ג and in ג"ל) it is

mentions in ג"ה, No. 64, a question that reached him from 'the scholars of Jerusalem' (החכמים החבירים אשר בירושלים). It is difficult to ascertain who these scholars were and whether they held any official dignity. Thanks to the Genizah finds we know now a good deal about the academy founded in Jerusalem, the heads of which bore also the title of ראש ישיבת גאון יעקב (see now especially Poznański, *Babylon Geonim*, &c., 81 ff.). But it is as yet very obscure what relations existed between the Babylonian Geonim and the Palestinian Academy. No clear case has so far been established that Sherira and Hai corresponded with the Palestinian Geonim. It is very doubtful whether the letter of Sherira and Hai to a ראש ישיבה, dated 13th of Ab, 1300 Sel. = 989 C.E., and containing the interesting passage בבקשה מן ראש ישיבה שחי לעד שיצוה להקרא האגרת לאבותינו פעמים רבות וכו' was really sent to the Palestinian Gaon, Joseph ha-Cohen, as Dr. Marmorstein, who published this letter from a MS. Adler in *ZDMG.*, LXVII, 630, maintains. It is rather strange that the letter should end abruptly with לר' יוסף without mentioning his priestly descent nor his official dignity. It is possible that לר' יוסף forms the beginning of the next item in the MS. Adler which thus requires further investigation.²⁰ The

expressly mentioned וחכמים וכל אנשי בבל כך עושים. But the above heading is overlined in Or., which may denote that it should be deleted.

²⁰ After having examined this manuscript, I find my doubts about Marmorstein's identification fully confirmed. The fragment consists of two joined leaves in the same handwriting (detached in MS. Adler, No. 4009; a facsimile of leaf 1 a is, I understand, to appear in the forthcoming Catalogue of Mr. Adler's MSS. Collection). The first half of leaf 1 a covers the part of the letter by Sherira and Hai (to יג באב שנת א"ש). Removed from this stands in the middle of the line לר' יוסף. Then follows on the next line a letter by Joseph ibn Abitur, covering the remainder of leaf 1 a and the following three pages. This letter is addressed to Samuel

reading of the Gaon's letter in public need not refer to the custom prevailing in Palestine which mostly took place on Mount Olivet on Hoshana Rabba, as Poznański, *l.c.*, 85-6 thinks. We find in ח"ג, No. 37, the Gaon Aaron ha-Cohen (of Pumbedita, 943) writing to his correspondents: הלכך יקבצו הוקנים ויקראו החשובה של השאלה הזאת ויעמדו על ענינה ואת ויעשו כפי שפירשנו וכו'.

On the other hand it appears from a letter of the Palestinian Gaon Solomon b. Jehuda (*Saadyana* 113 = *FQR.*, XIV, 483, ll. 42-6) that in his time there arose friction between the Babylonian (i.e. Pumbedita) and Palestinian schools over their respective spheres of influence in Egypt (כאשר המקום הזה על שמי יהיה המקום האחר על שמו [זה] בשם בני בבל וזה בשם בני ארץ יש האמנם יבקש לעקור שם ישיבת ארץ יש מארץ מצרים לבלתי . . . (היות לה שם הלא ינרם לעצמו לבלתי הזכיר בה . . .

Anyhow, the existence of an Academy in Jerusalem since, at least, the middle of the tenth century would account for such a small number of responsa having been sent to Palestine by the last Pumbedita Geonim. What one would like to know is whether the Babylonian Jews residing in Palestine, whom we have seen above (p. 474) in considerable numbers already in the middle of the eighth century, continued throughout the centuries their connexions with the academies of their native country. Perhaps further Genizah finds will enlighten us concerning this point.

b. Joseph ראש יש נאון יעקב (cited by Marmorstein, *l.c.*, 637, n. 1). As both letters are in the same handwriting, it is evident that they are only copies from the originals. The copyist thus placed ל' יוסף in front of Joseph's (ibn Abitur) letter, i.e. written by him! Hence the letter of Sherira and Hai was never addressed to Joseph (ha-Cohen, Gaon of Jerusalem). More probably it was sent either to Fustât or Kairowan; in both places there existed schools (ישיבות). The remarks of Poznański (*Babylon. Geonim*, 85-6), based on Marmorstein's publication, will have to be cancelled.

3. The most frequent intercourse, however, the Babylonian Academies had with the north-African communities and also with Spain. We shall begin with *Egypt*, the nearest North-African country on the way from Babylon to the Occident. The connexion between Babylon and Egypt became the more easy after the conquest of Egypt by the Arabs under 'Amr ibn al-'As in 639-42. This famous general founded Fustât and connected it with the Red Sea by repairing the neglected canal between the Nile and the Gulf of Suez (see Aug. Müller, *ibid.*, I, 266). In a short time a very important Jewish community sprang up there. Already in 750 there existed in Fustât a Jewish community under the leadership of a Babylonian Jew, Abu-Ali Ḥasan of Bagdad (see *ŸQR.*, XVII, 426-30). Many Jews from Babylon as well as from Palestine settled there, forming two separate communities, the so-called 'synagogue of the Babylonians' (אלעראקין) and the 'synagogue of the Palestinian Jews' (אלשאמיין, see especially Worman, *ŸQR.*, XVIII, 1-39; Bacher, *ibid.*, 564, and Poznański, *RÉŸ.*, XLVIII, 157-60). In a fragment published by Goldziher, *RÉŸ.*, LV, 58, we read: וממנו אנו שתי בתי דינין ומשלש הקהלות המעולות קהל כניסת הירושלמיים וכנסת הבבליים וכנסת עיר המלוכה הקרואה אלקאהרה . . . (see now also Shapira, *Mélanges H. Derenbourg*, 121-30). It is only natural that the great number of Babylonian Jews in Fustât should have turned to the Babylonian academies for religious instruction. Yet only a few responsa of the Babylonian Geonim are expressly mentioned as having been sent to Egypt. We find chiefly the later Geonim, especially Sherira and Hai, maintaining some connexions with Egypt.²¹ In a letter from Fustât to Hai (cited by

²¹ Cp. ה"ב, No. 290, beginning, probably by Sherira and Hai, see *Einleit.*,

Fayum, must have kept up close relations with his native country during the whole period of his Gaonate (cp. e.g. *ƑQR.*, XVI. 290-3, 295-7).

In discussing the relations of Sherira and Hai with Egypt, some remarks must be added on the famous scholars Shemarya and his son Elhanan. In spite of the important Genizah finds hitherto published, the position these scholars held in Egypt and their relations both with the schools of Babylon and of Palestine are still not clear enough, and require further elucidation. To begin with, it is not yet certain whether Shemarya resided at Cairo, as it is generally assumed, though without any basis, or at Fustât (so now Poznański, *Babyl. Geonim*, p. 98; in אנשי קירואן, No. 11, he begins with Fustât and ends up with Cairo). According to Ibn Daud, Shemarya, after having been ransomed from slavery at Alexandria, settled in מצרים, which generally stands for Fustât; but the famous account of Ibn Daud about the 'four captives' is now much questioned (cp. e.g. Schechter, *ƑQR.*, XI, 643 ff. and Poznański, אנשי קירואן, No. 18). We know now that already Shemarya's father occupied an official dignity, and very likely in Egypt (see *ƑQR.*, XIX, 729, No. XX: אלחנן ראש הסדר של כל ישראל בן; שמרִיה אב בית דין של כל ישראל בן אלחנן הרב הראש²³ (בן הרב, אבי הרב, בן סמוך ואב סמוך, l. 24. Eppenstein's suggestion (*M Schr.*, 1911, 619-20) that Shemarya was a Nagid is hardly likely. All the evidence tends to show that he was an eminent scholastic (and not a political) authority. If Shemarya resided at Fustât, as seems

²³ Shemarya is also styled הרב הראש, but here he is called אב"ד, while his son was already ראש הסדר. It thus seems that the title אב"ד was superior to that of ראש הסדר, which was probably the same as הרב הראש (ag. Poznański, אנשי קירואן, p. 14, note 1).

more probable, it would be of consequence to ascertain over *which* community he wielded influence, whether the Babylonian or the Palestinian congregation.²⁴ This point has not yet been considered. From the important fragment published by Neubauer (*JQR.*, VI, 222-3) we gather that both Shemarya and his son Elhanan studied at a Babylonian Academy, and very likely it was Pumbedita (see Halberstam, *ibid.*, 596). There it seems that Shemarya obtained the title אב"ר (cp. p. 223, l. 17, ולא שמוהו, לנו למשנה, which perhaps means משנה of the Gaon, i.e. אב"ר). Thus it would be natural that in Egypt he should have represented the interests of the Babylonian Academy. But no questions from Shemarya to Babylon have so far been preserved. On the other hand, from letters by Sherira, addressed probably to Shemarya (*Saadyana*, XLV and XLVI, cp. p. 119, l. 17 and p. 124, ll. 85-6; see also Eppenstein, *l. c.*, pp. 473 ff.), we learn of the Gaon's complaint that the Academy is neglected as regards material support and is not consulted in religious affairs. The Gaon reminds his correspondents that their forefathers used to send all their religious questions to the Academy (p. 120, ll. 13 ff., p. 124, ll. 75 ff.). However, Elhanan, Shemarya's son, sent his difficulties both to Hai and Samuel b. Hofni (ג"ה, Nos. 1 and 314, *JQR.*, XVIII, 430 = *Geon.*, II. 59).

As regards the relations of Shemarya and Elhanan with the Palestinian Academy, not enough is so far known to render a definite opinion possible. But it appears that they were strained. The Gaon Solomon b. Jehuda seems to

²⁴ Shemarya's residence at Fustât would also be borne out by the fact that he signs a legal document drawn up at Fustât and dated Tuesday, 14 Elul, 1002 C. E. (see *JQR.*, XI, 646, note 2).

have had a rather unfavourable opinion about Shemarya and Elhanan. In the interesting letter to Shemarya b. Ephraim (published by Dr. Marmorstein, *REJ.*, LXVIII, 1914, 44-5), Solomon b. Jehuda writes: ונוסף גון על מכאוב גמ „ראו מכתב פלוני (i. e. his own) החשוד ישומט על הוקנים ויתאנה ויאמר: „גנה את הראשונים באמרו כי הראשונים הקורמים כל אחד ואחד מהם עמד על דם חבירו וגם גנה את ר' אלחנן באמרו: התבונן מעשה

זה ומעשה העובר”.²⁵ The Gaon admits that he wrote these words, which he declares to have been in accordance with the facts כי בן אלה דברי והכל מעידים לי כי בן (אמנם כי אלה דברי והכל מעידים לי כי בן (היה וכו'). Further, in the somewhat obscure fragment, dated Adar (1)332 Sel.=1020 C.E. (published by Kamenetzky, *REJ.*, LV, 49-50) we find Elhanan apparently trying to constrain the Palestinian Gaon in the carrying out of his authority (ll. 2-7: ראש: (אלחנן) ראש: (אלחנן) כי בא ממנו כתב אל שער הישיבה הניד לו (בו perhaps) כי שלח כתב אל מרנו גאון צבי יחי לעד הזהירו לבל יחדש דבר עד (אשר יקבנו בשם אבות). By גאון צבי it seems that the Palestinian Gaon is meant (against Poznański, *ibid.*, 246).²⁶ From these details it will appear that there existed some friction between Shemarya and Elhanan on the one side and the Palestinian Academy on the other. Here, again, we must look forward to further Genizah finds for elucidation.

4. Turning from Egypt to the next North African

²⁵ For הראשונים הקורמים read הראשונים הקורמים. This important letter (it is T.-S. 13 J 9² and not 13 I 12²), which has not been edited with sufficient care, will be fully discussed in another connexion.

²⁶ Poznański (p. 246, note) also noticed that גאון צבי usually denotes the Palestinian Gaon (cp. ישיבת צבי; also צבי = Palestine in Saadyana, 89, l. 26); but he dismissed the suggestion with the statement that the Palestinian Academy was not in existence till after 1020. Of course, it is now well established that the Palestinian Gaonate dates back much earlier (cp. above, pp. 475-76).

country, comprising the two Arabic provinces of *Ifrikiya* and *Maghreb* (modern Tunis, Algiers, and Morocco) we find the Jewish communities maintaining throughout the greater part of the Gaonic period the closest connexions with the Academies of Sura and Pumbedita. There existed in these two provinces a group of more or less important Jewish communities, viz. Cables, Nefusa (نَفُوسَة), see Yakut, *Geographisches Wörterbuch*, ed. Wüstenfeld, IV, 800) and Tobna or Tobya in Ifrikiya, as well as Tahert (modern Tuggurt), Tlemsen, Ashir, Fez, and Segelmessa in Magreb (Morocco). The most important community, however, was that of Kairowan (see particularly Poznański's article on אנשי קירואן, in Harkavy's *Festschrift*, Hebrew Part, 175-220, and also in a separate reprint). We find many references in the Gaonic responsa to the 'people of Africa' (אנשי אפריקא), which show that their correspondence with the Geonim goes back to a very early date. The important responsum of R. Natronai (in ח"ג, No. 15 = *Geon.*, II, 30) was in all probability sent to correspondents in Kairowan. The whole geography of the places referred to therein points to Kairowan which used to be frequented by Jews from Fez and Andalusia.²⁷ This being so, we infer that the Kairowan Jews already had responsa from R. Jchudai (760-4) as well as from his disciple R. Haninah.

²⁷ ח"ג, No. 15: אלא כך שאלו אותם נוהגין מימות אדונינו נהורא דעלקא מר רב יהודאי קדוש וטהור ומימות אדונינו מר רב חנינאי ז"ל ונשמתם לחי עולם שאם נסרך בטרפשא אפי' כחוט השערה אנו טורפין אותם וכן כל מדינות אפריקה. שמענו שבאפס ומקצת אנדליס (Andalusia) בודקין. לכשבאין אצלנו אנו אומרין להן מפני מה אתם עושים דבר זה . . .

שבאפס is a corruption for שבפאס (Fez); the reading ופרס in *Geon.*, II, 30, l. 17, is still more corrupt; yet Pozn., *JQR.*, N. S., III, 418, regards this as the better reading. In *Geon.*, *ibid.*, this responsum is ascribed to R. Zemah, probably of Sura, 862-87 c. E.

Likewise they sent their questions to the other Sura Geonim: R. Moses, 832, R. Cohen Zedek, 845, R. Sar Shalom, 849, and R. Natronai, 853 (ח"ג, No. 15).²³ Further, R. Hilai of Sura (either of 792 or of 825) received questions from Kairowan (ג"ה, No. 199 end: כמו שמצאו: בתשובות הנאונים הראשונים כמו ששאלו אבותיהם מן מר הילאי גאון). In short, almost every Gaon of renown, whether of Sura or Pumbedita, was consulted in religious as well as in social questions by the scholars that lived in Kairowan.²⁹

Besides the Jews that lived in the villages around Kairowan (ג"ה, No. 5), there existed a considerable community in Caves in the time of Sherira and Hai (see index to ג"ה under קאבם; to No. 59 see the superscription from a Bodl. MS. (printed by Neubauer, *JQR.*, VI, 223-4); מן מסאיל מדינה קאבם לרבינו האי זק"ל: קהלת שלמה, Nos. 3-7; cp. Poznański, *M Schr.*, XLIV, 142-3; ג"ק, No. 85, and ג"ל, No. 1; Bodl. 2862¹⁰: כוכליאר (Shabb. VI, 3) פסרה רבינו שרירא זל פי: תשובה ללקאבסין. R. Hai mentions a Gaon, R. Abraham of

²³ Poznański, in his essay, did not consider this responsum in connexion with Kairowan.

²⁹ Of particular scholars that corresponded with Kairowan we may mention R. Zemah, the judge at the court of the Exilarch Ḥisdai b. Natronai (Dukes in *בן חנניא*, IV, 141-2, and ג"ה, p. 389); R. Zemah, probably the Gaon of Pumbedita, 872 (ג"ה, No. 210); R. Zemah b. Ḥayim concerning Eldad ha-Dani (printed by Epstein, *אלדר הרני*, pp. 1 ff., and note 1, p. 9); Saadyah corresponded with the Kairowan scholars while he was still in Fayum; R. Dosa, Saadya's son (Wertheimer, *קהלת שלמה*, 72); but chiefly Sherira and Hai (see index to ג"ה). Cp. further ג"ה, Nos. 234, 389; *Geon.*, I, 51, note 2. See further *חשו' מהר"ם*, ed. Bloch, p. 193, No. 99: הקרה ד' לפני ובאו לידי תשובות שהובאו ממדינות אפריקא ספר גדול מחובר מתשו' חכמי אפריקא ששאלו מגאוני בבל והשיבום ובראש התשובות כתב ר' נטרונאי בר מר רב נהילאי ריש מתיבתא דמתא מחסיא למרנא ורבנא יהודה בריה דרבינו שאול זצ"ל והתשו' מוחזקת יותר מקונטרסים גדול מכמה שאלות ששאלוהו וכו'.

Cabes, in 829 (ג"ל, No. 33: "שהיה בשנת אק"מ לשטרות היה מכיר בשיחה דקלים). In case this scholar is identical with the Gaon R. Abraham of Pumbedita (816-28), we have then the case of a family from Cabes that settled in Babylon one of whose members attained the dignity of Gaon. The first Gaon to have sent responsa to Cabes was R. Natronai (ג"ה, No. 67). The Jewish community in Nefusa is mentioned in a responsum of R. Haninah of Pumbedita, 938, where the Gaon mentions that the town was sacked and burned in his time, but was soon rebuilt on the return of its former inhabitants, including the Jews (ש"צ, 26 b, No. 26, cp. גמ"מ, No. 47; ש"צ, 99 b, No. 1 and 56 a, No. 16 probably refer to the same event). The existence of Jewish communities in Tobya, or Tobna, and Ashir can be inferred from the heading of a responsum (quoted by Müller, *Einleit.*, 54, note 4, beginning, from a Parma MS.), where it is stated that a number of Jews, that settled in Fez and Ashir, were captives from Tobya (חשובת שאלה מר' שרירא לקהל פאם, דמותיבהון בפאם [ו]אשיר). In ג"ה, No. 38, and גמ"מ, No. 133 the correspondents from Tlemsen also mention the case of Jews that were exiled to Ashir (אשיר = Ashir, see Harkavy, ג"ה, p. 348 note to p. 15).

The Geonim also had correspondence with scholars from Tahert (ג"ה, No. 16),³⁰ Tlemsen, Fez, and Segelmessa. In Tlemsen there existed an organized community with representative scholars in its midst. This we find especially the case in time of Sherira and Hai (ג"ה, Nos. 37-43; תש"ר, II, 31, No. 9; גמ"מ, No. 133). Fez, as the capital of the

³⁰ Cp. also the Genizah Book-List III, I. 13 (published by Pozn., *ZfHB.*, XII, 119-20) שאילות תאהרת רבינו האיי, i.e. questions from Tahert sent to Hai Gaon.

dynasty founded by Idris, who built the city in 808 (see Aug. Müller, *ibid.*, I, 550), must have had a leading Jewish community. Yet we find chiefly Sherira and Hai sending responsa to this community (ג"ה, No. 47, end, and No. 386; Warnheim's קבוצת חכמים, 109-10; *Geon.*, II, 43).³¹ Finally, Seġelmessa possessed a permanent court, with probably an academy, in the time of R. Hai. This fact will show that the local Jewish community must have been of some importance (cp. the superscription to ג"ה, Nos. 68-81). Several responsa reveal the fact that the scholars of Seġelmessa possessed responsa sent by some other Geonim (ג"ה, Nos. 69 and 71, where R. Zemah, probably of Pumbedita, 882-7, is mentioned; cp. further Nos. 70, 77, 79, and 80; *Saadyana*, p. 62 = *JQR.*, XIV, 230, and Goldberg, Introduction to Ibn Koraish's *Risāla*, p. xvii).

5. Of European countries, the country that maintained the closest relations with the Babylonian Geonim was *Spain*. The sad plight of the large number of Jews in Spain, during the reign of the Goths, was entirely changed for the better with the advent of the Arabs in 711. The Jews could henceforth occupy in Spain the position to which both their numbers and their degree of culture entitled them. The large Moslem empire, extending from the boundaries of India to Spain, facilitated to a very large extent the relations of the Spanish Jews with the Babylonian Academies. Though it took more than a year

³¹ A letter by Sam. b. Hofni to Fez (*JQR.*, XVIII, 404) alludes to persecutions from which the Jews of Fez suffered: ואכן באה שמועתכם ויחרד לבבנו ויתר ממקומו ותבך עינינו ולבבותינו על הרם מקדשנו ועל הרג בני עמנו ועל המאורע לבחורינו ואל אלהינו נדרוש להרוג הורגיהם ולהכות בדבר מביהם. . . ומלפניו נבקש לנחם אותנו ואתכם להטיב לכם ולהפוך לששון אבלים ולשמח לבבותיכם מיוגונכם. . .

for a letter from Spain to reach Babylon, as we learn from ש"צ, 20^b, No. 12, yet very many questions were sent from Spain to the Geonim. The connexions between Spain and Babylon go back to the times immediately succeeding the landing of the Arabs in Spain. Sherira (*Letter*, p. 36) reports that the Exilarch Natronai b. Ḥabibai, after his deposal (about 772), left Babylon for the West (מערב), which most probably refers to Spain, as other sources show (see *Geon.*, I, 17, note 2). R. Jacob of Sura (801-5) probably had correspondence with the Jews of Andalusia (ג"ח, No. 15, cp. above, p. 482). Much new information about the relations of the Geonim with the Spanish Jews is to be found in the interesting Bodleian Genizah Fragment (published by Cowley, *JQR.*, XVIII, 399 ff.). The writer of the letter (dated 953), who was a descendant of the Gaon R. Paltoi, tells us that several Geonim of Sura on the one hand, from R. Zadoc, 823, to R. Naḥshon, 874-82, as well as several Geonim of Pumbedita, from R. Paltoi, 842-58, to R. Cohen-Zedek, 926-35, on the other hand, were frequently consulted by the Spanish Jews. It is further stated there that R. Paltoi sent to Spain the whole Talmud, together with a commentary on it. Well-known is the Prayer Book, the so-called סדר רב עמרם, which R. Amram sent to the community of Barcelona (see heading of סדר רב עמרם (= סר"ע) = ג"ל, No. 56).³² It was only since the middle of the tenth century, when R. Moses and his

³² Saadya also had correspondence with the Spanish communities, as Ibn David (Neub., I, 74) writes: ושה לי ר' מאיר בן ביבש שראה גליון של רב סעדיה גאון ז"ל וכתוב עליו לקהל קורטובא ואלבירה ואליסאנה ובנאנה וקלסאנה ואשבילה ומרירה העיר הגדולה וכל ערי ישראל אשר סביבותיה. Perhaps this was a circular epistle in connexion with the Ben Meir dispute concerning the calendar.—Saadya's son, Dosa, corresponded with Iḥasdaï ibn Shaprut (Ibn Daud, *l. c.*, 66).

son R. Enoch flourished in Cordova as heads of a large school, that the Spanish Jews became independent of the Babylonian Academies with regard to their religious instruction. Few responsa comparatively were therefore sent to Spain by Sherira and Hai (see especially about the relations of the Geonim with Spain, Eppenstein, *Monatsschrift*, 1912, 80-95). Special mention should be made of the intercourse which R. Natronai of Sura, 853-6, maintained with the community of Lucena. From a responsum of his we learn that in his time practically the whole town of Lucena was inhabited by Jews. Cordova had also a preponderant majority of Jews.³³ From Lucena there came a scholar, R. Elieser, to Sura, where he occupied the position of Alluf (cp. ג"ה, No. 386; ש"צ, 3 a, No. 17; 25 a, No. 15; and סדר רב עמרם, ed. Warsaw, 38 a).

6. Only scanty information is to be obtained about the other countries to which the influence of the Geonim extended. A Genizah fragment (published in *Geon.*, II, 57, top) establishes the fact that Sherira as well as Hai carried on correspondence with the famous Rabbi Meshullam b. Kalonymos of Lucca in Italy (שאלות מרב משולם בן מרב) אנקולינימוס ממדינת לוכה אשר בארץ פרננה לרבינו שרירא גאון והאיי (א"ב ז"ל). This superscription proves that Rappoport was right in his suggestion (*Bikkure ha 'Ittim*, 1839, 91, and Introduction to ג"ק, 12 b) that R. Meshullam lived in Lucca. Graetz's (V⁴, 545, note 2) contention that he lived in

³³ שביון אליסנה מקום ישראל ויש : קבוצת חכמים, ed. Warnheim, 100 : באי אפילו בקרמובה בה ישראל הרבה . . . ואין ביניהם גוי כל עיקר . . . ואי אפילו בקרמובה . . . היה כדבר הזה ששם מקום מלכות וישראל מרובים וישמעאל מעט . . . בכות שמים אוליסאנה אין בה גוי שאוסר : גמור"מ, No. 26 : . . . עליכם.

Zalcona, Catalonia, is thus disposed of by the above Genizah Fragment.³⁴ These connexions between Italian-French scholars and Babylonian Academies can be traced to still earlier times. The responsum in ג"ק, No. 118, the last of the group of responsa assigned to Kalonymos, ends with כתבו מתיבתה וכן, which probably refers to one of two famous academies of Babylon. R. Natronai's reference in ש"צ, 20 b, No. 12 (see above, p. 486) to פרננה also shows that the Geonim stood in correspondence with the Jews in southern France and Italy.³⁵ There are several references in the responsa to חכמי אדום 'the scholars of Edom', which name denoted all countries under Christian rule, especially Italy and the Byzantine Empire.³⁶ In particular, correspondents from Kairowan to Sherira and Hai refer to these 'scholars of Edom', by whom in all probability Italian scholars are meant.³⁷ From ג"ה, No. 225, we learn that there came to R. Hai disciples from Constantinople (ועבשו שאלנו את התלמידים היונים המצויים לפנינו מן קסטנטינה).

³⁴ Cp. further on this point Müller, *Responsen des R. Kalonymos aus Lucca*, pp. 2-3, and *Responsen des R. Meschullam*, p. 4; Epstein, *REJ.*, XXIV, 149-51, and XXVII, 81-90; Gross., *Monatsschrift*, 1878, 249.

³⁵ פרננה used to denote both France and Italy (cp. *Geon.*, II, 55).

³⁶ Cp. also שער דורא, § 82: שר רומי שהשיבו לר' שר ולא קי"ל כבני רומי שהשיבו לר' שר. We thus find this Gaon already corresponding with Italian scholars. But we should have expected the Gaon sending the responsum to the scholars of Rome, and not the reverse (שהשיבו).

³⁷ Cp. R. Hai (in Rabed's דעים, No. 119): שאל רבינו הצדיק ז"ל... כי חברו לו דברים עם חכמי אדום טעם כי כמה מחכמי א"י ומחכמי ארץ אדום... וזה שכתבתם כי: 57 f. הנידו לכם אנשים מרומי ומא"י. From גמ"מ, No. 34, it appears that there came to the academy of Kairowan disciples from Italy; but the place of provenance of the question is not certain. Müller's note (No. 1) is impossible, since the Gaon speaks of disciples, who came to the place of the correspondents.

One responsum (ascribed in מ"ש, No. 230, to R. Mattithiah of Pumbedita, 861-9, but in חש"ר, II, 57, No. 4, to R. Hai) deals with the question of feeding the silk-worms on the Sabbath. This responsum was probably sent to Greece, where the cultivation of silk was very common (see Gr. V⁴, 256, note 1, and now also Krauss, *l.c.*, 74, note 1). Finally Sherira and Hai received questions from Wādī'l Kūrâ in Arabia (מ"ג, 201-3 and *Geon.*, II, 61). Since the expulsion of the Jews from Arabia by Mohammed and Omar, this is the first reference made to a Jewish community in that country. The existence of a community in Wādī'l Kūrâ in the time of Sherira and Hai tends to strengthen the opinion of those scholars who maintain that Omar drove out in 640 the Jews of H̄aibar only, but not those of Wādī'l Kūrâ (see Harkavy, מ"ג, 397, and Leszynsky, *op. cit.*, 113). Leszynsky states from Arabic sources that still about the year 1000 the majority of the inhabitants of Wādī'l Kūrâ were Jews (see now also Friedlaender, *JQR.*, N. S., I, 249-51).

The whole of this chapter forms a kind of an introduction to the following investigations. In order to obtain a picture of the life of the Jewry of that period, as far as can be gathered from the Gaonic responsa, it was necessary to give a prefatory sketch of the extent of the influence of the Geonim on the Jewry all over the Diaspora. In two of the responsa collections, ג"ק and גמ"מ, there is incorporated a considerable number of responsa sent by Spanish and Italian-French scholars who were contemporaries of Sherira and Hai. These responsa contain important material for the knowledge of the life of the Jews in Spain and southern France. Since in the time

of Sherira the Jews of these countries became more and more independent in religious instruction of the Babylonian Academies, the responsa of the above scholars had to be used for supplementing the material required for the purpose of this treatise.

(To be continued.)

AI OR THE CITY? JOSHUA 8. 12, 16

BY MAX L. MARGOLIS, Dropsie College.

BAER prints in both verses עיר *city* in the text (ketib) and עי *Ai* in the margin (kēre), while Ginsburg has עיר without a marginal correction (hence עיר ketib u-kēre). On 8. 13 Baer tells us that in Codex Reuchlinianus 2 there is a note, 'ע פליג', *there is a division of opinion as to the reading ע*, and in the List of Differences between Occidentals and Orientals he adduces from the same codex the statement that the Occidentals write and read עיר twice in this verse (תרויהק דפסוק), while the Orientals write עיר but read עי. Baer adds the remark that the printed Masoretic note is inaccurate, for which reason Norzi was unable to straighten out the difficulty. The printed Masorah (end of volume IV in the editio princeps, Bamberg, 1524-5) has it, namely, that the difference between the two schools concerns not the two instances in verse 13 (תרויהק דפסוק), but two different verses (ב' פסוקין), i. e. verses 12 and 16. Norzi's note on verse 12 reads thus: 'The codices and the Masorahs vary. In some we find it written לעיר and read לעי, the author of כלי יקר (Samuel Luniado or Laniado) agreeing, while others write and read לעיר. The same variation obtains in verse 16. In the latter instance בעי is found so written and read in an ancient codex. The Targum reads עי in verse 12, while in verse 16 it has the doublet: "in the city, in Ai"; hence is found in verse 12 עי with no marginal variant, while in verse 16, finding עיר in the text and עי in the margin, it combined both in the

translation. Kimḥi on verse 16 explicitly states that עיר is the textual and עי the marginal reading, but he is silent on verse 12. In the Masorah Magna we find s.v. עי two conflicting notes: (1) עיר is the textual reading (against the margin עי) in verses 12 and 16; (2) עי is the reading in verses 9 and 11, but עיר in 12 and 13.' Norzi then quotes the statement of the Masorah Finalis concerning the difference between the two schools, adding that it is not clear which instance is referred to.

Ginsburg gives in the first volume of his *The Massorah compiled from Manuscripts*, p. 592, a List of the differences between Occidentals and Orientals in Joshua, which, according to the English volume, p. 415, is based, in addition to the printed material, on the following manuscripts: St. Petersburg Codex of A.D. 1009, Arund. Orient. 16, Add. 15,251, and Codex Merzbacher. All of these but the first, in which the item is altogether admitted, agree with the wording of the printed Masorah to the effect that the difference as to עיר and עי concerns two distinct verses. Moreover, Ginsburg found in Codex No. 1-3 of the Paris National Library explicit Masoretic notes on verses 12 and 16, according to which in both places עי is the marginal reading of the Orientals, while the Occidentals write and read עיר.

In his *Introduction to the Massoretico-critical Edition*, 208-10, the same scholar avers that as regards verse 13 Baer's avowal of a variation between the two schools is substantiated 'by no official Lists, MSS., Massorahs, or early editions'. 'Both the MSS. and the Lists which exhibit any variation at all, not only mark it on לעיר of the city in verse 12, but vary in their statements as to the nature of the difference and as to the school to which

it belongs. This will be seen from the following analysis of the Massorah Parva: (1) Orient. 2201, which is dated A.D. 1246, and Harley 1528, have in the text in 8. 12 לעיר *of the city*, and in the margin against it לעי ק' the *Keri* is *of Ai*. The same is the case in Harley 5710-11, where the Massorah Parva has against this verse לקר the *Resh* is to be cancelled = the *Keri* is לעי *of Ai*, thus treating it as an ordinary *Keri* of the Western school. (2) Arund. Orient. 16 and Add. 15,451, which are superb manuscripts, have no *Keri* at all, but simply remark against it in verse 12 ד' רמטע' *four times misleading*, which is the condemnatory appellation for *Sevirin*. Ginsburg proceeds with the evidence from the Lists (see above), and pointedly concludes: 'Having altered פסוקין ב' *two verses*, into תרוייהו דפסוק *in both clauses of the verse*, Dr. Baer was obliged to palm it on verse 13, since it is the only verse in this section where לעיר *of the city* occurs twice.'

In volume III of Ginsburg's great compilation, p. 145, in the List of חלופים, i. e. of textual elements which must be guarded against levelling, we find:

מים לעי בתוך העם	קדמאה
מים לעיר ס"ף	תניינא
מים לעיר בתוך העמק	תליתאה

The ס"ף (= סוף פסוק, *end of the verse*) leaves no doubt that verse 12 is referred to in the middle instance. The same statement is found *ibid.*, p. 310 (from the Tzufut Kale Masorah), minus the identifying remark ס"ף. Accordingly, the reading לעיר *of the city* is presupposed in verse 12. To the same purport is the note against verse 12 in the printed Masorah Parva: כן כתיב וקרי מכה מס"ה, the reading in the editio princeps (see above) being לעיר (see Ginsburg,

Introduction, p. 210).¹ מסרה הגדולה מס"ה stands for Masorah Magna, according to Elias Levita, *Massoreth ha-massoreth*, ed. Ginsburg, p. 249. מכת"ם = מכ"ח Frensdorff, *Massoretisches Wörterbuch*, p. 18 of the German, attempts no identification of the unusual formula. But כתיב וקרי is perfectly clear: write and read לעיר. In the Yemenite Masorah (Ginsburg, *The Massorah*, III, 68) the following statement may be read: מִיָּמִים לְעִיר וקרי בכל התיאון והירושלמיים וכ"ב במסורת כ"ד גדול מבחון שכן צ"ל קרי וכת[י]ב מכ"ח מס"ה יעו"ש ודלא בקצת דפוסים דכתי' לעיר וקרי לעי גם ההרגום לקרתא מוכיח דגרסי' בקרא לעיר וכן השרישו בספר יאיר נתיב שורש עיר. Apparently misled by the reference to the Targumic rendering לקרתא *of the city*, Ginsburg refers this note to verse 13, the rendering in our Targum editions in verse 12 being לעי (see Ginsburg, *Introduction*, p. 210); but the Yemenite Targum, ed. Praetorius, has there לקרתא, and it is obvious that the note refers to verse 12 (hence at the beginning לעיר is mispointed; point לעיר). Now this note says clearly that לעיר *of the city* is the reading (not only the writing) in all the codices (of Yemen) and in those of Jerusalem. The author goes on to quote the note in the printed Masorah Parva (see above); he repudiates those codices which have לעיר in the text and לעי in the margin, and concludes with a reference to the Targum and to the editio princeps of the Hebrew Concordance. The reading and pointing לעיר *of the city*, would thus seem to be substantiated as the approved, and certainly as the Western reading. As is well known, we in the West follow the

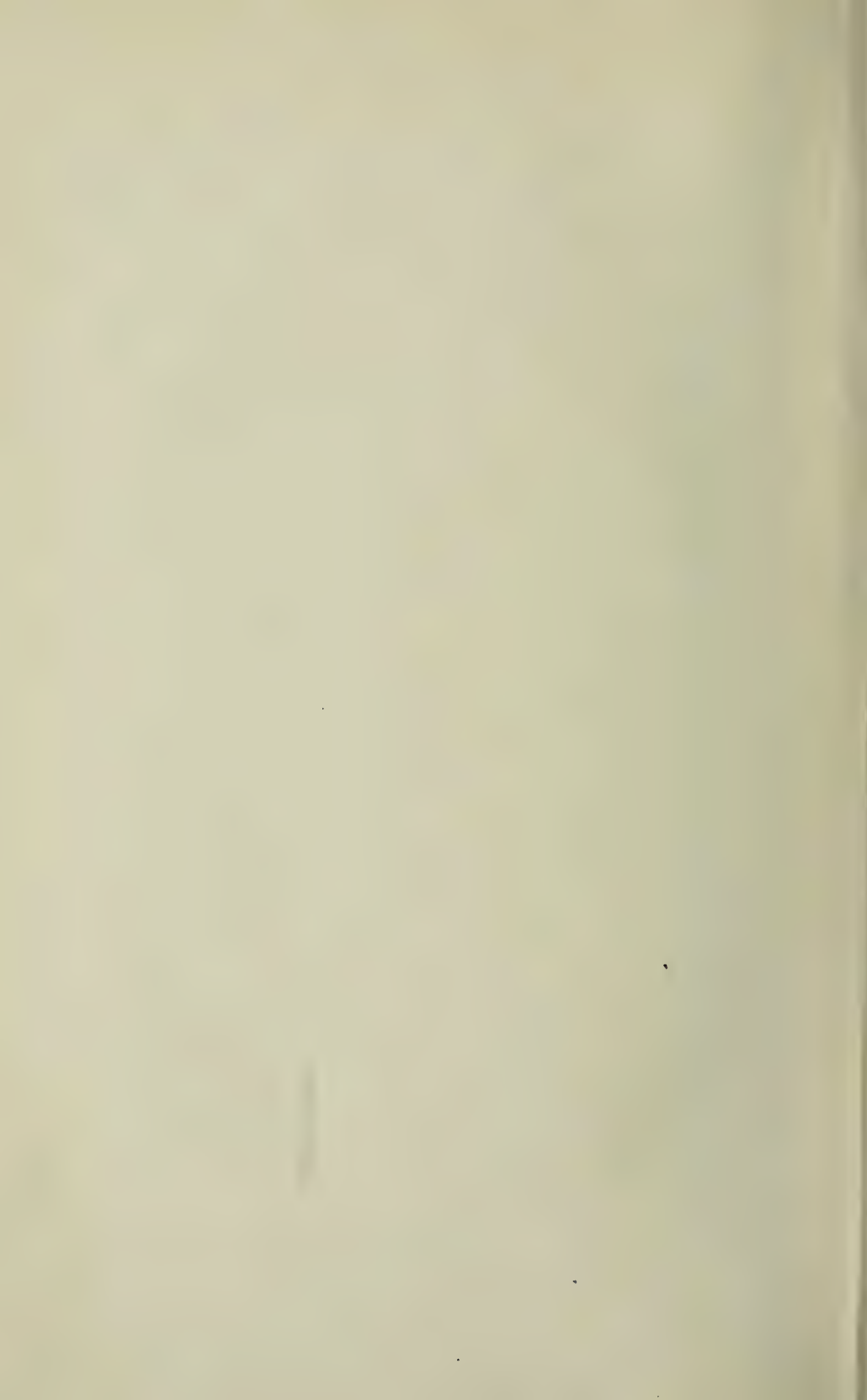
¹ [Since writing this, I have been able to inspect the *editio princeps* in the private library of the Hon. Mayer Sulzberger, of Philadelphia. The text reads לעיר. Accordingly, in the Yemenite Masorah the pointing is correct, as far as it goes. Nevertheless it remains true that the author of that Masorah rejects the kere לעי! I must admit that the reading (pointing) in Jacob ben Haim's text and the accompanying masoretic note are a puzzle.]

Palestinian school of Masoretes, and Kimḥi's silence in verse 12 (see above) may be tantamount to supporting לעיר *of the city*.

It is to be regretted that the note in Codex Reuchlinianus 2 cannot be verified at the present moment and at this distance. How sorely we are indeed in need of photographic reproductions of important biblical manuscripts, whether in the original or in translation, in the securing of which the universities and colleges of this country should be willing to co-operate! Nevertheless, I am loth to go to the length of doubting Baer's veracity, as Ginsburg so unceremoniously does. The Targum, as has been observed, goes normally with the Orientals; accordingly, the reading לעיר in verse 12 might be Oriental. Once we resort to an ancient version as a fulcrum of the received text, we must needs consult all. The Vulgate has 'ex occidentali parte eiusdem civitatis'; that may be a free paraphrase by the translator, or his Hebrew had לעיר. Most likely, however, Jerome followed Symmachus, who, on the authority of a gloss in the Syrohexaplaris (ed. Lagarde), wrote **ממערב דא חבב-גל**. Symmachus apparently read לעיר. Conversely, Origen supports the reading לעי. In the opening pages of the New Series of this REVIEW (p. 20 f.) I pointed out how for the purposes of establishing what is the Masoretic text recourse must be had to Origen's Hexapla, and in vol. III, pp. 323 ff., I gave an illustration for Joshua 7. 17. Now another example presents itself. How the original Greek translator has dealt with chapter 8 (as with other portions of the book), removing incongruities arising out of the combination of double accounts in the Hebrew, and accomplishing it, if needs be, by violent condensation, has been pointed out by Wellhausen (*Composition*,

1889, p. 126). Verses 11 b, 12, 13 are reduced in the Septuagint to the small compass: ἀπ' ἀνατολῶν καὶ τὰ ἔνεδρα τῆς πόλεως ἀπὸ θαλάσσης. Origen, as was his wont, retained this complex, at the same time marking it with the obelus as something unwarranted by the Hebrew; whereupon he introduced *sub asterisco* a fresh translation of the verses in question which reads as follows: καὶ παρενέβαλον ἀπὸ βορρᾶ τῆς Γαὶ καὶ ἡ κοιλὰς ἀνάμεσον αὐτοῦ καὶ τῆς Γαὶ 12 καὶ ἔλαβεν ὡς πέντε χιλιάδας ἀνδρῶν καὶ ἔθετο αὐτοὺς ἐνεδρον ἀνάμεσον τῆς Βηθαὺν καὶ τῆς Γαὶ θάλασσαν τῆς Γαὶ 13 καὶ ἔταξαν ὁ λαὸς τὴν πᾶσαν παρεμβολὴν ἣ ἦν ἀπὸ βορρᾶ τῇ πόλει καὶ τὰ ἔσχατα αὐτοῦ θάλασσαν τῆς πόλεως καὶ ἐπορεύθη Ἰησοῦς τὴν νύκτα ἐκείνην ἐν μέσῳ τῆς κοιλάδος. Verses 15 b, 16 a, omitted in the Septuagint, were likewise supplied by Origen *sub asterisco*: καὶ ἔφυγον ὁδὸν τῆς ἐρήμου 16 καὶ ἐνίσχυσεν πᾶς ὁ λαὸς τῆς Γαὶ τοῦ διῶξαι ὀπίσω αὐτῶν. Here again Origen, or rather his source (probably Theodotion), supports the reading בעי. All, however, that we really may say is this, that the reading יל in verse 12, attributed by certain authorities to the Orientals, was current in the third and second centuries. It is interesting to note that in the same verse Origen again ranges himself on the side of the Orientals (ketib) with his Βηθαὺν און בית against אל בית of the Occidentals (see the official Lists referred to above). In 19. 38 we have another instance where Origen agrees with the Oriental ketib: ωραμ חורם against חרם, the Oriental kere which is the textual reading of the Occidentals. Elsewhere Origen supports the Occidental text; in a few instances the rendering is too inexact to admit of conclusive evidence. All that can be said is that the differences between the two schools ascend to ancient times, and testify to a fluctuation

of the text in the centuries antecedent to the split between Orientals and Occidentals. The similarity of עיר and עי accounts for the confusion. In 15. 9 Theodotion misread עיר into עי; on the other hand, the Septuagint read העיר for העי 7. 3; 8. 18, 28. Just as in the Hebrew עיר and עי were liable to confusion, so in the Greek γαι and γη(ν) were interchanged. Thus we find γαι for γην 2. 1 (the sigla are those in my forthcoming edition of the Greek Joshua *rrosccaa*₂; 7. 2 B C E S *adj*^{suprascr} k (cf. γαι with accus. ending *f*, and the doublet την γην γαι n); conversely γην for γαι 7. 2 sec lptiz (cf. the doublet γην γαι A); γης for γαι 8. 16 E n M^{ms} n^{ms}. Greek γαι is also the transliteration of Hebrew גַּי (ג); cf. Josh. 18. 16, where the Syrohexaplaris writes ܓܝ; it is quite plausible that Greek γης for Hebrew עמק 15. 8 is an error for γαι representing the synonymous גַּי. Still a further confusion of עיר and עי may be cited from the Greek in 2 Chron. 32. 6, where τῆς φαραγγος (Lucian alone reverts to the Hebrew τῆς πολεως) is a translation of τῆς γαι=העי for העיר, γαι being misconceived as the equivalent of גַּי. We shall certainly not burden the original translator with ascribing a gate to a ravine! On the other hand, he was not sagacious enough to realize that עי in his Hebrew copy was a blunder for עיר. In the language of the author of the *Analekten zur Textkritik des Alten Testaments*, the mark of abbreviation had faded away. Conversely, the appearance of a pen-scratch resembling a mark of abbreviation has led to the expansion of עי to עיר. Where, as in chapter 8 of Joshua, either reading made sense, the confusion was a natural one. The 'tradition which our fathers have handed down to us' is, alas, often but a scribe's subjective reasoning coupled with a blurred vision.



THE SEMIKAH CONTROVERSY BETWEEN THE ZUGOTH*

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IT is a well-known fact that equivocal expressions are frequently misleading even to scholars. The semikah controversy between the Zugoth is an illustration of such an equivocal expression that has given rise to error. This controversy is of great significance, because it is the first one recorded in the Talmud, and because, although it was continued through the administration of all the successive Zugoth, no agreement was reached on the subject.

The word סמיכה has various meanings in the Talmud:

(a) It is used in the sense of proximity as: אין סומכין (אין שמה תבואה, הרדל והריע. אבל סומכין לשרה ירקות הרדל והריע (Kil'oim, II, 9). 'It is not allowed to sow mustard and bastard saffron closely adjoining to a field which was sown with grain, because this is a forbidden junction (כלאים); but it is allowed to sow mustard and bastard saffron closely adjoining to a field which was sown with herbs, for this is not a forbidden junction.'

(b) It is also used in the sense of laying on of hands as: בית שמאי אומרין מביאין שלמים ואין סומכין עליהם וב"ה אומרין מביאים שלמים ועולות וסומכין עליהם (Hagigah II, 3). 'The school of Shammai says, It is allowed to bring peace-offerings on the holidays, but the laying on of the hands must not be

* Zugoth (זוגות), meaning Pairs, is the Talmudic appellation for the two leaders of the Sanhedrin from the days of Jose b. Joezer and Jose b. Joḥanan (about 160 B.C.E.) till the time of Hillel and Shammai.

done on the holidays. The school of Hillel says, It is allowed to bring both peace-offerings and burnt-offerings on the holidays and to lay the hands on them.'

(c) It is used, again, in the sense of relying upon an authority as: נסמך על דברי זקן (Erubin 65 b). 'We may rely upon the authority of the aged man (R. Ḥanina b. Joseph)', or הלכות שבת חגיגות שהן מקרא מועט והלכות מרובות יש להן על מי (according to the Munich MS.) שיסמכו הן הן גופי תורה (Ḥagigah I, 8). 'The laws concerning the Sabbath and the festive sacrifices which are numerous although only a few of them are Biblical, are nevertheless essential parts of the Law because we have them on good authority.' (From this also developed the 'Semikah' which is given to a scholar, thus investing him with authority.)

In all places where a dispute concerning semikah occurs, we can easily see from the context in what sense the word is used. In the case of the semikah controversy between the Zugoth, however, the Mishnah says obscurely לסמוך and לסמוך שלא without stating explicitly the sense in which the word is used, thus giving rise to misunderstanding. The Mishnah reads as follows: יוסי בן יעזר אומר שלא לסמוך יוסי בן יוחנן אומר לסמוך. יהושע בן פרחיה אומר שלא לסמוך נתאי הארבלי אומר לסמוך. יהודה בן טבאי אומר שלא לסמוך שמעון בן שטח אומר לסמוך. שמעיה אומר לסמוך אבטליון אומר שלא לסמוך. הלל ומנחם לא נחלקו יצא מנחם נכנס שמאי¹ הלל אומר לסמוך שמאי אומר שלא לסמוך. (Ḥagigah, II, 2).

All the commentators are of the opinion that the semikah controversy between the Zugoth is identical with the controversy between the schools of Shammai and Hillel

¹ Hillel before Shammai. So is the version in P. Ḥag. II, 2, and B. Shabb. 15 a.

recorded in the succeeding Mishnah as to whether or not it is allowed to perform the ceremony of the 'laying on of hands' upon the head of the sacrificial animal in the temple-court on holidays.² It seems to me, however, that the identification of those two controversies, which is evidently based on the mere fact that the editors of the Mishnah placed them contiguously, is still an open question. For it would appear surprising, indeed, that all the Zugoth should not have been able to find a solution for a halakic problem which is a mere *shebot* (שבות).

This was indeed noticed by Frankel in his *דרכי המשנה*, pp. 43-4, and by Weiss in *דור דור*, pp. 103-4. They nevertheless did not abandon the traditional interpretation.

It would also be strange that while in the case of the schools of Shammai and Hillel the Mishnah states explicitly the problem of their controversy, in the case of the Zugoth the problem is stated obscurely by the words *לסמוך* and *שלא לסמוך*.

A close examination of the Tosefta and Palestinian Talmud will show that the dispute between the Zugoth is not identical with that of the schools of Shammai and Hillel as is generally assumed; that the controversy of the Zugoth centred around an important general principle rather than on the question of the propriety of performing the semikah ceremony in the temple-court on holidays. The Tosefta reads: חמשה על הסמיכה. חמשה מימיהם לא נחלקו אלא על הסמיכה. חמשה זוגות הן שלשה מזוגות הראשונים שאמרו שלא לסמוך היו נשיאים ושנים אבות בית דין. שנים מזוגות האחרונים שאמרו לסמוך היו נשיאים ושנים אבות בית דין. . . . אמר ר' יוסי מתחילה לא היו מחלוקות בישראל אלא בבית דין של עשרים ושלשה וכו'. . . . איזו היא הסמיכה שנחלקו

² ב"ש אומרים מביאין שלמים ואין סומכין עליהם אבל לא עולות וב"ה² אומרים מביאין שלמים ועולות וסומכין עליהם (Hag. II, 3; Beṣ. II, 4).

עליה ב"ש וב"ה.³ ב"ש אומרים אין סומכין ביו"ט שלמים שהגנ בהן סומך עליהן מערב יו"ט וב"ה אומרים מביאין שלמים ועולות וסומכין עליהן (Tosef. Hagigah, II, 8-10). 'Never was there a controversy in Israel except the one concerning semikah. There were five Zugoth. Three of the earlier Zugoth who were of the opinion שלא לסמוך were presidents (of the Sanhedrin) and their opponents were vice-presidents; two of the latter Zugoth who held the view לסמוך were presidents and their opponents were vice-presidents Said R. Jose, Formerly no controversy occurred in Israel except in a court (בית דין) of twenty-three members Over which semikah were the schools of Shammai and Hillel divided? The school of Shammai said that the laying on of hands on the festive sacrifices must not be done on a holiday; the semikah ceremony should be performed a day before the holiday. The school of Hillel said, It is allowed on a holiday to bring peace and burnt-offerings and lay the hands upon them.'

The fact that the Tosefta asks 'over which semikah were the schools of Shammai and Hillel divided' and not over which semikah were the Zugoth divided,⁴ clearly shows that the two controversies were not considered identical. The P. Talmud reads: בראשונה לא היתה מחלוקת: מעשרו של ישראל אלא על הסמיכה בלבד ועמרו שמאי והלל ועשו אותן ד'. משרבו

³ See הגהות הגר"א on the Tosef.

⁴ מעשה בהלל הזקן שהביא את עולתו לעזרה וסמך עליה ביו"ט חברי עליו תלמידי ב"ש לאחר ימים גברה ידן של ב"ש ובקשו לקבע הלכה כדבריהם והיה שם בבא בן בוטא מתלמידי ב"ש ויודע שהלכה כב"ה (J. Hag. II, 78a; B. Beṣ. 20a). There is no evidence in this passage, as some think, that the controversy of the Zugoth is identical with that of the schools of Shammai and Hillel. The Talmud says here 'וידע שהלכה כהלל'; but not 'שהלכה כהלל' or 'שהלכה כהלל' which would have been more proper if the two controversies were considered identical.

תלמידי ב"ש וב"ה ולא שמשו את רביהן כל צרכן רבו המחלוקות בישראל (P. Talm. Hagigah II, 2).

It is evident from this passage that according to the P. Talmud the semikah was the only subject of contention that was debated during the administration of all the Zugoth (as a matter of fact we do find other controversies between the Zugoth, as for instance the controversy between Judah b. Tabbari and Simon b. Shatah⁵ and the one between Joshua b. Peraḥah and the Ḥakamim⁶).

The commentators have erred in considering the words לסמוך and לשמוך, that are used in the case of the Zugoth, identical with the words סומכין and אין סומכין that are used in the case of the controversy between the schools of Shammai and Hillel.⁷ The words לסמוך and לשמוך do not denote here to lay on the hands on an object, but express the derivative meaning of the verb, as in the phrase נסמוך על מיסמך סמיכא דעתיהו (Hag. 20 b), (Erub. 65 b), רברי זון (i*tid.*, Mishnah I, 8), i.e. to depend, to rely, to accept the authority of,⁸ and the question discussed by the Zugoth was whether we could depend upon the authority of the Ḥakamim.

It is very probable that this Mishnah, which is the second of the second chapter of Hagigah, is closely related to the last Mishnah of the first chapter which contains the statement that the laws concerning the Sabbath and festive sacrifices, &c., which are numerous although few of them

⁵ Hag. 16 b; Mak. 5 b; Tosef. Sanhed. V, VI.

⁶ Tosef. Makṣirin, III, 4.

⁷ See Frankel, דרכי המשנה, ff. 43-4; Weiss, דור, V, I, ff. 103-4.

⁸ A. Sidon, 'Die Controverse der Synhedralhäupter' in *Gedenkbuch für Erinnerung an David Kaufmann*, ff. 355-64. He was the first to interpret the semikah of this Mishnah in the sense of relying upon authority and not in the sense of 'laying on of hands'.

are Biblical, are nevertheless essential parts of the Law because we have them on good authority. This Mishnah developing the subject further, informs us that the question as to whether or not we ought to rely upon the Ḥakamim in their innovations has not always been generally accepted; but it was rather the subject of contention during the administration of all the Zugoth.

Three of the earlier and two of the latter Zugoth say: שלא לסמוך, i. e. we ought not to rely on the Ḥakamim in their innovations upon the Torah. Their colleagues say: לסמוך, i. e. we rely entirely upon the Ḥakamim even in their innovations upon the Torah.

An examination of the few halakic statements of the Zugoth which have been transmitted to us corroborates this interpretation of the controversy of the Zugoth.

We shall also be able to understand their obscure halakoth which were transmitted to us.

The first pair which was divided over the semikah question was Jose b. Joezer and Jose b. Johanan. יוסי בן יועזר. אומר שלא לסמוך יוסי בן יוחנן אומר לסמוך. Now, no halakah is recorded of Jose b. Johanan, excepting the decree which he issued together with Jose b. Joezer declaring Gentile territory and glass vessels as levitically unclean.⁹ It is undoubtedly to be assumed that his halakic opinions are included in the anonymous ancient halakoth of the Talmud. Of Jose b. Joezer, however, we have three halakot as testimonies (עדייות) from which the inference may be drawn that by these testimonies he set himself in opposition to the ordinances of the Ḥakamim: העיר יוסי בן יועזר על איל קמצא: דכן ועל משקה בית מטבחיא דכן ודיקרב במיתא מסאב וקרי ליה יוסי שריא (Ed. VIII, 4).

⁹ Shabb. 14 b.

The content of this Mishnah is puzzling indeed. For, what is the purpose of his testimony? Is it not explicitly stated in the Torah: 'He that toucheth the dead body of any human person shall be unclean seven days' (Num. 19. 11)? The Talmud in fact wonders at this Mishnah: 'and they called him "Jose the permitter" (יוסי שריא), they ought to have called him "Jose the forbider" (יוסי אסרא) (מבעי ליה)'! (Ab. Zar. 37 b). Should we assume, however, that by שלא לסמוך Jose b. Joezer meant that we ought not to rely upon the authority of the Ḥakamim in their innovations upon the Torah, the purpose of his testimonies will become clear to us. For with these testimonies Jose b. Joezer opposed the tradition of the Ḥakamim who decree what was not to be found in the Torah. This was in accordance with his own view that 'we ought not to depend upon' the decrees and traditions of the Ḥakamim (שלא לסמוך).

The meaning of these testimonies thus becomes clear:

I. איל קמצא רכן (the locust) *il kāmṣa* is clean and may be eaten. For, Biblically, those locusts are clean 'that go upon all fours, which have jointed legs above their feet', *ההלך על ארבע אשר לו כרעים ממועל לרגליו* (Lev. 11. 21). But the Ḥakamim said that the marks of cleanness in locusts are: four legs, four wings, hindlegs for leaping and the wings covering the greatest part of the body, *ארבע רגלים*, *ארבע כנפים וקרצולים וכנפיו חופין את רובו* (Hul. 59 a; *ibid.*, 65 a). In this matter, therefore, he opposed the decree of the Ḥakamim requiring those additional marks of cleanness, and maintained that the locust *il kāmṣa* which had only the marks pointed out in the Torah, was clean¹⁰ and might be eaten.

¹⁰ Ab. Zar. 37 a, b.

II. משקה בית מטבחיא רנן The liquid of the slaughtering-place is clean. Biblically, 'All drink in every such vessel that may be drunk shall be unclean' ככל ישתה אשר כל משקה (Lev. II. 34). Thus only water is susceptible to levitical uncleanness. The Ḥakamim, however, decreed that blood and five other kinds of liquids are also susceptible of levitical uncleanness¹¹ (Sifra Shemini, VIII; Pes. 17 a). To oppose this decree Jose b. Joezer testified that משקה בית מטבחיא, i.e. blood, is רנן, clean. For blood and the other liquids are not implied in the verse ישתה אשר משקה and therefore are not susceptible to uncleanness.¹²

III. ודקרב במיתא מסאב One that touches a corpse becomes unclean. According to the Torah: 'He that toucheth the dead, even any man's dead body, shall be unclean seven days' (Num. 19. 11). The Ḥakamim decreed חרב הרי הוא כחלל¹³ that the sword with which a person was killed had the same levitical status as the slain body, i.e. one who touches such a sword becomes unclean for seven days. Against this Jose b. Joezer testified that only דקרב במיתא the one who touches the corpse becomes unclean, but not the one who touched a sword with which a person was slain.

It is because of these three testimonies that he was called 'Jose the permitter' יוסי שריא, as in all of these he

אין לו מים מנין הטל והיין והשמן והדם והרפש והחלב ת"ל וכל¹¹ משקה (Sifra Šmini, IX).

¹² The Talmud (Pes. 17 a) has two different versions of this statement: רב תני משקי בית מטבחיא ולוי תני משקי בית מרבחיא. According to our interpretation, however, it makes no difference. For by בית מטבחיא is meant water and blood, and by בית מרבחיא wine and oil.

¹³ Pes. 14 b: בחלל חרב. חרב הרי הוא כחלל. See Katzenelenson, *Sadducees and Pharisees*, Voschod; S. Zeitlin, 'Les dix-huit Mesures', *RÉJ.*, LXIII, 1914.

opposed the decrees of the Ḥakamim. This explains also the statement of the Mishnah לקדש מדרס¹⁴ מטפחתו היתה מדרס that his towel was considered unclean of the first degree (מדרס) for those who observed the levitical laws prescribed for the handling of the sacred food. Obviously they declared it unclean because he did not subscribe to the decrees of the Ḥakamim in matters pertaining to the laws of levitical uncleanness.

This throws light upon an obscure narrative which R. Judah tells in the name of Jose b. Joezer: 'אמר ר' יהודה קורות נעץ (יוסי בן יועזר) להם ואמר עד כאן רשות הרבים עד כאן רשות היחיד (Ab. Zar. 37 b).

R. Judah who was engaged in the study of antiquity, and all of whose statements were undoubtedly based on tradition, tells us that Jose b. Joezer had erected beams and demonstrated: here the limits of the public road (רשות הרבים) end; here the limits of the private ground (רשות היחיד) end. It is rather strange that Jose b. Joezer, the president of the Sanhedrin, should personally go out in the streets of the city to erect beams for the purpose of fixing and demonstrating the limits of the private and public ground. This narrative, however, contains another instance of the application of Jose b. Joezer's principle not to accept the authority of the Ḥakamim in their innovations upon the Torah. For the law formerly recognized two classes of territory with regard to the Sabbath laws: public territory (רשות הרבים) where carrying on the Sabbath day was forbidden (as we find in Nehemiah's order to lock the gates of the city before the Sabbath, so that 'there should be brought in no burden on the Sabbath day', Neh. 13. 19); and private territory where carrying on the Sabbath was

¹⁴ Hag. 18b.

allowed (Shab. 96 b). The Ḥakamim, however, added another class, namely, the Karmelith (כרמלית), i. e. private territory used by the public, and forbade the carrying of objects from it to the two other classes of territory and vice versa. The Talmud, indeed, regarded the Karmelith as a mere Rabbinical restriction (נדרה) (Shabbat 111 b). Rejecting this new enactment of the Ḥakamim, Jose b. Joezer said: Here the limits of the public ground end; here the limits of the private ground end. I recognize two classes of territory with regard to the Sabbath laws and no more.

Now, if we assume that the controversy between the Zugoth was regarding the validity of the innovations of the Ḥakamim, we shall be able to understand the only halakah which has been transmitted to us from the second pair.

The second pair was Joshua b. Peraḥah and Nittai the Arbelite. יהושע בן פרחיה אומר' שלא לסמוך נחאי הארכלי אומר' לסמוך. No halakah is accredited to Nittai the Arbelite; but undoubtedly, as indicated above, his halakic opinions were included among the anonymous ancient halakoth.

Of Joshua b. Peraḥah we have the following halakah: יהושע בן פרחיה אומר חטים הבאים מאלכסנדריא טמאות מפני אנטליא שלהן. אמרו חכמים אם כן יהיו טמאות ליהושע בן פרחיה וטהורות לכל ישראל (Tosef. Makshirin, III, 4).

The argument of the Ḥakamim 'let the wheat be unclean for Joshua b. Peraḥah but clean for all Israel', is strange indeed. If it is considered clean for all Israel, why should it be unclean for Joshua b. Peraḥah? But it becomes clear when we realize that in this halakah Joshua b. Peraḥah opposed the decree and tradition of the Ḥakamim. Biblically, 'if any water be put upon the seed' ובי יתן מים על' it becomes susceptible to levitical uncleanness (מכשר) (לקבל טומאה), and no distinction is made between seed which

is fixed to the ground (מחובר לקרקע) and that which is plucked (חלוש), for this is the implication of the phrase על זרע. This, then, is the contention of Joshua b. Peraḥah: 'Wheat that is brought from Alexandria is unclean שלהן מפני אנטליא.'¹⁵ אנטליא (= ἀντλίον) is the water-wheel with which the Egyptians irrigated their fields from the Nile. Thus, water was poured on the seed and it became susceptible to levitical uncleanness. Whereupon the Ḥakamim answered: if so 'let the wheat be unclean for Joshua b. Peraḥah' who disregards the tradition of the Ḥakamim, 'but clean to all Israel' who accept the ordinance of the Ḥakamim: that seed becomes susceptible to levitical uncleanness when water has been poured over it only when it was already detached from the earth (חלוש), but not while still fixed to the ground (מחובר).¹⁵

The third pair was Judah b. Tabbai and Simon b. Shataḥ בן טבאי אומר שלא לסמוך שמעון בן שטח אומר לסמוך. Of Simon b. Shataḥ several laws and decrees have been transmitted. A narrative of Judah b. Tabbai has come down to us reflecting his attitude toward tradition: אמר יהודה בן טבאי אראה בנחמה אם לא הרגתי עד זומם להוציא מלבן של צדוקים שהיו אומרים אין עדים זוממים נהרגין עד שיהרג הנידון. אמר לו שמעון בן שטח אראה בנחמה אם לא שפכת דם נקי שהרי אמרו חכמים אין עדים זוממים נהרגין עד שיוזמו שניהם¹⁶

Judah b. Tabbai, who did not accept the decrees of the Ḥakamim in their innovations upon the Torah, executed one עד זומם. For according to the Bible, 'if a witness of violence rise up against any man to testify against him for any wrong and the judges shall inquire diligently; and behold, if the witness be a false witness, he hath testified

¹⁵ Sifra T. K. Šmini 11; Tosef. Makširin, I.

¹⁶ Ḥag. 16 b; Mak. 5 b; Tosef. Sanhed, VI.

a falsehood against his brother : then shall ye do unto him as he hath purposed to do unto his brother', כי יקום עד שקר, &c. באיש . . . והנה עד שקר העד שקר ענה באחיו ועשיתם לו כאשר זמם (Deut. 19. 16-19). This implies that even if one witness was proved זומם, he is to be executed. Simon b. Shatah, on the other hand, who accepted the innovations of the Ḥakamim upon the Torah, reproached Judah b. Tabbari for having shed innocent blood (שפכת דם נקי), for the Ḥakamim said : עדים זוממים do not incur the penalty unless both were found זוממים. מה עדים זוממים. ע"פ שנים עדים יומת המת' זוממים. זוממים שנים (Tosef. Sanhed. VI, 6).

The fourth pair was Shemaiah and Abtalyon : שמעיה ואבטליון. Of this pair, several halakoth were transmitted by others in their name ;¹⁷ but no halakoth have come down from them directly from which their attitude toward tradition might be inferred. In the testimonies that others made in their name they always concur.¹⁸

¹⁷ Yebam. 67 a ; Edu. I, 3.

¹⁸ There is a passage in the Talmud attributed to Shammai the elder : האומר לשלוחו צא הרג את הנפש הוא חייב ושולחיו פטור. שמאי הזקן אומר משום חזי הנביא שולחיו חייב שנאמר אותו הרגת בחרב בני עמון (Kid. 43 b). 'If any one said to his agent : go slay a person, the agent is liable for the crime but the instigator is not responsible. Shammai the elder said in the name of Haggai the prophet : the instigator is liable for the crime, for it is written : "Him hast thou slain with the sword of the children of Ammon" (2 Sam. 12. 9). (Nathan the prophet charged David with the crime of killing Urijah, although David only gave the order to expose him in the battle front.)' To my mind the attribution of this statement to Shammai is open to question. For from the Talmudic discussion (*ibid.*, 42 b) it appears that the school of Shammai held that the instigator is free from penalty (שולחיו פטור) : על המחשבה : על האומר : על השליח : על כל דבר פשע ב"ש אומרים אינו חייב עד שישלח בו יד שנאמר אם לא שלח ידו. אמרו ב"ש לב"ה והלא נאמר על כל דבר פשע אמרו להם ב"ה לב"ש והלא נאמר אם לא שלח ידו בו' אמרו ב"ש לב"ה אם כן על כל

The fifth and last pair was Hillel and Shammai. Aside from the semikah controversy of all the Zugoth we find

דב' פשע למה לי? שיכול אין לי אלא הוא אמר לעבדו ולשלוהו מניין ת"ל על כל דבר פשע. It is thus evident from this passage that the school of Shammai held that פטור שולחיו. Now if Shammai is the author of the statement that the instigator is liable (שולחיו חייב), deriving his opinion from the verse אותו הרגת, the school of Shammai would have replied to the school of Hillel that the opinion that the instigator is liable one may derive from the verse אותו הרגת and thus revert to their argument על כל דבר פשע. למה לי? This proves the fact that the school of Shammai did not know that שולחיו חייב is derived from the verse אותו הרגת. But would this be possible if Shammai was the author of the statement? As a matter of fact it is very doubtful if Shammai ever used the method of deriving halakic opinions from Biblical intimations (דרש פסוקים). The law derived from the verse עד דרתה which the Talmud attributes to Shammai, וכן היה שמאי (Shabb. 19 a) is quoted in the Tosef. (MS.) in the name of Hillel: הלל הוקן דורש אפילו בשבת (Erub. III, 7). The Sifre brings this statement in the name of Shammai, and continues: זו אחד מ' דברים שדרש שמאי הוקן (Sifre Šoftim 203). We do not find, however, in the entire Talmud the other two cases. Should we accept the version of the Tosefta, the statement of the Sifre could be referred to Hillel rather than to Shammai. For we do find Hillel deriving laws from Biblical intimations in two other instances: (1) הלל אומר (Sifra Šmini); (2) הלל אומר ולא שניתק נתק בתוך המים (Sifra Tazria 9). We also find elsewhere that Hillel went up from Babylon because of three things על שלש דברים עלה הלל (J. Talmud Pesah, VI, 33 a). It is highly probable, therefore, that in the case of the law derived from the verse אותו הרגת we should read שמעיה instead of שמאי. This agrees with the narrative of Josephus (*Antiq.*, XIV, 9, 4), that Sameas, reprimanding his colleagues for suppressing their opinion in the case of Herod, said that Herod deserved capital punishment for instigating his men to kill Hezekiah and his followers. For according to his own view: 'האומר לשלוהו צא הרג את הנפש שולחיו חייב'. The narrative of Josephus is identical with the Talmudic narrative: עבדיה דינאי מלכא קטל נפשא אמר להם שמעון בן שטח לחכמים תנ' עיניכם דינאו (Sanhed. 19 a). Here, surely, we ought to read שמעיה instead of הררוס. See Derenbourg, *Histoire de la Palestine depuis Cyrus jusqu'à Adrien*, Paris, pp. 146-8; Graetz, *Geschichte der Juden*, vol. 3 II, note 16.

several other disputations between Shammai and Hillel. According to the Palestinian Talmud, Shammai and Hillel were divided upon four issues;¹⁹ according to the Babylonian Talmud they disagreed upon three issues.²⁰ It is highly probable that the two versions are not contradictory. The Babylonian Talmud may have omitted the semikah controversy, considering it as included in the controversy of the Zugoth. The first Mishnah of Eduyoth records three controversies between Shammai and Hillel: שמאי אומר כל הנשים דיין שעתן. והלל אומר מפקידה לפקידה. שמאי אומר מקב לחלה והלל אומר מקביים. הלל אומר מלא הין מים שאובין פוסלים את המקוה שחייב אדם לומר בלשון רבו²¹ שמאי אומר ט' קבים.

בראשונה לא היתה מחלוקת בישראל אלא על הסמיכה בלבד ועמרו¹⁹ 'ד' (J. Hag. II, 2). שמאי והלל ועשו אותן ד'.

²⁰ אמר רב הונא בנ' מקומות נחלקו שמאי והלל (Shabb. 15 a).

²¹ After the Munich manuscript. In our printed editions the reading is אלא. The word אלא, however, has no meaning here. The traditional interpretation of the Mishnah is that Hillel said הין מלא instead of הין in order to quote the exact expression of his teachers Shemaiah and Abtalyon, who being descendants of proselytes (בני גרים) pronounced הין like אין, and for this reason they said מלא הין to distinguish it from אין. (See Maimonides' Com. to this Mishnah; also J. Brüll, מבוא המשנה, note 14). The legend that Shemaiah and Abtalyon were descendants of Gentiles (Gittin 57 b), misled the Talmudic commentators and scholars in the interpretation of another Mishnah (see Yoma 71 b וכו' גדול וכו' מעשה בכהן גדול), the expression 'ייתון בני עממין' does not necessarily mean sons of Gentiles. It may refer to the people over against the priest): עקביה בן מהללאל העיר: ד' דברים הוא היה אומר אין משקין לא את הגיורת ולא שפחה מיוחדת. וחכמים אומרים משקין. אמרו לו מעשה בכרכמית שפחה מיוחדת שהיתה בירושלים והשקה שמעיה ואבטליון. אמר להם דונמא (Eduyoth, V, 6). All the Talmudic commentators and scholars (see Weiss, דור דור, ver. 1, p. 176; I. Levi, Wörterbuch, on the word דונמא; also Aruk) are of the opinion that Akabya was excommunicated because he showed disrespect to Shemaiah and Abtalyon by saying דונמא השקה, which they interpreted to mean: they showed favoritism to their own class in giving the 'testing water' to one who was a proselyte like

Another controversy between Shammai and Hillel is found in Shabb. 15 a: **הבוצר לגת שמאי אומר הוכשר לקבל** טומאה וחלל אומר לא הוכשר.

In these four controversies four principles are involved with which Hillel proposed to start a new development in the Oral Law: (1) **סיני לתורה**, i.e. where an apprehension exists lest a Biblical law may be transgressed we ought to take a preventive measure. (2) **Leniency in law** (**צר קולא**). (3) **Semikah**. (4) **Subjectivity**, i.e. we ought to reckon with the intention of the person. In these four principles Shammai was his opponent.

These were the issues between them:

(1) **שמאי אומר כל הנשים דיין שעתן והלל אומר מפקידה לפקידה**. Thus, according to Shammai, the sacred food which a woman handled a moment before her menstruation is levitically clean; but according to Hillel all the sacred food which she handled since her last **בדיקה** is unclean. Here a very rigorous law as **נדה** is involved, and since it may be feared that she might err, we ought to take the preventive measure of declaring all the sacred food that she handled since her last **בדיקה** levitically unclean. But Shammai maintained that

themselves. This interpretation, however, is erroneous. The version in the P. Talmud is **דוכמה** instead of **דונמא** (P. Talm. Moed katan, III, 81 d), and the explanation there given of the word **דוכמה** is that it is equivalent to **דכוותה**. The interpretation of our Mishnah thus becomes apparent. Akabya b. Mehalalel said **דוכמה השקוהו**, i.e. Shemaiah and Abtalyon gave the 'testing waters' not to an emancipated handmaid (**משוחררת**), but to one who is like unto her (**דכוותה**), namely, a Hebrew handmaid (**אמה עבריה**). Akabya thus contradicted the Ḥakamim who cited the case of Karkemith to corroborate their opinion and denied the fact that she was a proselyte. Akabya was not excommunicated for this halakah alone, but for all the four halakoth in which he stubbornly resisted the opinion of the Ḥakamim. R. Eliezer b. Hyrcan was excommunicated for a similar attitude toward the opinion of the Ḥakamim.

we do not entertain such fears and there is no need of any preventive measure. Let the strict law prevail. It is incumbent upon the woman to guard herself. A similar issue was disputed between the schools of Shammai and Hillel: העוף עולה עם הגבינה על השלחן ואינו נאכל דברי ב"ש וב"ה: (Edu. V, 2 ; Hul. 104 b).

The school of Hillel contended that fowl should not be allowed to be placed on the same table with cheese, because if the fowl and the cheese would lie on the same table, one might forget and eat them together. Therefore it is necessary to take the preventive measure and forbid to place them on the same table. The school of Shammai, on the other hand, permitted it because no preventive measures were necessary. For a human being ought to know what is permitted and what is forbidden.

(2) שמאי אומר מקב לחלה והלל אומר מקביים. Hillel adopting the principle of leniency maintained that dough of less than two *Kabbim* is not to be considered technically an עיסה subject to the law of חלה. Shammai, on the other hand, maintained that dough of one *Kab* also constitutes technically the עיסה which is subject to the law of חלה. For the strict law must prevail.

(3) The following controversy involves the question of semikah: הלל אומר מלא הין מים שאובין פוסלים את המקוה שחייב²² אדם לומר בלשון רבו. שמאי אומר ט' קבים. According to Hillel a Hin of 'drawn water' (מים שאובין) is sufficient to make the pond unfit for ritual immersion, אדם לומר בלשון רבו, שחייב אדם לומר בלשון רבו, because one must use his teacher's words, i. e. one 'must depend upon' the teaching and tradition of his master.²³

²² See the previous note.

²³ The word לִשְׁוֹן is used in the Talmud in the sense as: 'אין לָנוּ' בעירובין אלא בלשון משנתנו (Eru. 66 b).

Shammai opposing this tradition of Hillel maintained that nine *Kabbim* of 'drawn water' made the pond unfit. For since such an amount of water can be used for the purification of a בעל קרי or for a sick person,²⁴ it is sufficient to make the מקוה unfit.²⁵

(4) Intention: whether we ought to reckon with the intention of a person. הנוצר לגת שמאי אומר הוכשר לקבל טומאה.

²⁴ Berak. 22 a ; Mikw. III, 4.

²⁵ The Ḥakamim accepted neither the opinion of Hillel nor that of Shammai until they heard a testimony in the name of Shemaiah and Abtalyon: וחכמים אומרים לא כדברי זה ולא כדברי זה עד שבאו שני גרדיים משער האשפה שבירושלים והעידו משום שמעיה ואבטליון שג' (Eduy. I, 3). It would appear that a tradition of Shemaiah and Abtalyon had so much weight with them that they relied upon it even though it was transmitted by two weavers. Similarly, when the Bne Bthera, in their perplexity as to whether the Passover offering suspended the Sabbath laws (Pes. 66 a ; J. VI, 1), heard that there was a Babylonian present who had served Shemaiah and Abtalyon, they immediately sent for him. The decision of Hillel the Babylonian that the Passover offering suspended the Sabbath laws, arrived at by means of the ק"ו, גז"ש, and היקש, was, however, entirely disregarded until he said: 'so I heard from the mouth of Shemaiah and Abtalyon'. It is probable that Hillel proposed to introduce an innovation in the Oral Law, that in a case where there was no precedent, every Beth Din should have the right to decide by means of three hermeneutic rules: the inference from minor and major (קל וחומר), analogy of expression (גזירה שוה) and comparison (היקש). Unwilling to agree to this innovation, the Bne Bthera did not accept his decision until he quoted Shemaiah and Abtalyon. The reason why the Bne Bthera were perplexed in this case, was, perhaps, because they had no tradition on the matter. The difficulty of the P. Talmud: והלא אי אפשר לשני שביעית שלא יחול (J. Pes. VI, 1, 33 a). 'Since it is impossible that the fourteenth of Nisan should not fall at least once in fourteen years on a Sabbath day, why, then, did they forget the law?' (see Slonimsky, העיבור, Warsaw) may thus also be explained. The administration of the Bne Bthera followed upon the administration of the Zugoth who were divided over the semikah question. The Bne Bthera, therefore, either had no tradition on the matter or did not 'depend upon' tradition.

הלל אומר לא הכשר. Grapes which were gathered from the field for the wine-press are susceptible to levitical uncleanness, according to Shammai, by the juice that runs out of the grapes. For such a case also is implied in וְכִי יִתֵּן מִים עַל זֶרַע. According to Hillel they do not thus become susceptible. For the juice came out upon the grapes without the owner's intention; neither does he need this juice. Now Hillel's reply to Shammai is clear: אָמַר לוֹ הֵלֵל לְשִׁמְאִי: מִפְּנֵי מָה בּוֹצְרִין בַּטְּהֵרָה וְאִין מוֹסְקִין בַּטְּהֵרָה. אָמַר לוֹ שִׁמְאִי לְהֵלֵל אִם תְּקַנִּיטֵנִי גּוֹזְרִי טוֹמְאָה אֵף עַל הַמַּסִּיקָה (Shabb. 17 a).

Hillel said thus to Shammai: thou sayest that grapes must be gathered in clean vessels because their juice make them susceptible to uncleanness, though this juice is not needed; yet thou sayest that olives need not be gathered in clean vessels because no one desires the liquid that runs out of the olives²⁶ and it is therefore not implied in כִּי יִתֵּן. Said Shammai to Hillel תְּקַנִּיטֵנִי אִם, i.e. if thou wilt bring the principle of intention to prevail, I shall decree that olives are also made susceptible to levitical uncleanness by their own liquid though no one desires this superfluity. Like the others it would appear that this view of Hillel was not adopted at that time, for the same dispute was continued by the schools of Shammai and Hillel: הַמְנִיחַ כָּלִים תַּחַת הַצִּנּוֹר לִקְבֵּל מִי גִשְׁמִים . . . פּוֹסְלִין אֶת הַמָּקוֹה. אַחֵר הַמְנִיחַ וְאֶחָד הַשּׁוֹכֵחַ דְּבָרֵי ב"ש וּב"ה מְטַהְרִין בְּשׁוֹכֵחַ²⁷. The school of Hillel, following the principle of its founder that we must reckon with a person's intention, maintained that the rain-water made the מקוה unfit only when the vessels were placed there intentionally. Otherwise, if the vessels were left under the pipe through forgetfulness and were not intended

²⁶ Tosef. Toharoth, X, 2.

²⁷ Mikv. IV, 1; Shabb. 16 b.

to receive the rain-water the latter does not render the מקוה unfit. The school of Shammai not accepting the principle of intention, declared that in either case the מקוה became unfit.²⁸

These are the four controversies between Shammai and Hillel. They mark the beginning of the development of the controversies between the schools of Shammai and Hillel.

²⁸ See Katzenelenson, *Sadducees and Pharisees*, Voschod ; S. Zeitlin, 'Les dix-huit Mesures', *RÉJ.*, LXIII, 1914.

DISPUTED PHRASINGS IN THE SIDDUR

BY A. MISHCON, London.

THE line of demarcation which Judaism so persistently preserves between the human and the divine is brought into outstanding relief by a comparison of the Prayer Book with the Bible. In point of antiquity the two are placed by tradition practically on a par. The foundation and framework of the Siddur are attributed to the Patriarchs. Its main structure is said to have been raised by some of the prophets.¹ So that the liturgy may well claim some of the biblical writers as its authors. Yet the very tradition which advances that claim has not allowed the Siddur to be placed on a level with any part of the Torah. The position it holds in the Jew's affection may indeed be second to none; it has rightly been pointed out that the Siddur is as a rule never absent even from those homes where you would look in vain for a Bible. Why then has it been denied the authority, the sanctity of the sacred writings?

The answer is not far to seek. The Torah contains the divine word, or the product of the human mind under divine inspiration. The Siddur is the record of *Israel's* meditations. It is purely human; and Israel's genius which

אברהם תקן תפלת שחרית . . . יצחק תקן תפלת מנחה . . . יעקב תקן¹
תפלת מעריב (Ber. 26 b).

אנשי כנסת הגדולה תקנו להם לישראל ברכות ותפלות (Ibid. 33 a)
מאה ועשרים זקנים ובהם כמה נביאים תקנו שמנה עשרה ברכות על הסדר
(Meg. 17 b).

will ever regard as three-fourths of its mission to maintain a boundary line between the human and the divine, has advisedly kept it beneath this line.

In some respects this inferior position has proved rather advantageous to the Siddur ; it has placed it beyond that fixed finality which is the natural characteristic of the divine. The Bible was definitely closed with the inclusion of its last book ; the committing of the Talmud to writing has meant the arrest of its growth ; but the Prayer Book after close upon two and a half millenniums of continuous cultivation still remains an open book. To this day its binding is, so to say, flexible enough to admit an unlimited number of fresh leaves. But the loose-leaf method of binding has its failings as well as its facilities. It freely accommodates new sheets, but it is not proof against tampering with those it already contains. The Prayer Book partook of the facilities, but it also suffered the disadvantages. It has retained its developing capacity, but only at the cost of its uniformity. Not only have divergent minhagim parted off from the main stream, the original Temple service, but variations crept into each minhag. And whereas in the case of Holy Writ the slightest discrepancy was promptly adjusted,² no such zeal was displayed in the case of the less sacred liturgy. The prayer עלינו and the Book of Joshua are both ascribed by tradition to Moses' successor. Yet, while the retention of the slightest textual variation between two editions of the biblical book would be simply unthinkable, the liturgical piece ascribed to the same author does

² Not only was a standard copy of the Pentateuch kept in the 'Azarah for purposes of rectification, but expert revisers were employed, at public cost, to whom any individual could bring his copy of Scripture for correction without direct payment.

contain a number of divergencies which have to this day remained unrectified.³

Nor are these variations confined to textual *readings*. They also affect that part of the text with which this article is chiefly concerned—the phrasing. The latter, in fact, has suffered the more. For it remained uninfluenced by those unifying forces which did make for textual uniformity. There was the mystic. Advisedly or otherwise, he was a great unifying factor. By fixing the number of words which comprised the various prayers, and placing each within the safe custody of a 'כנר', he has undoubtedly helped to standardize many a liturgical text. But only as far as the wording in its strictest sense is concerned. The grouping of the words into phrases was beyond his scope or object. Vocalization, too, was naturally conducive to textual correctness. But many of those who set themselves the task of supplying the liturgical texts with vowels left the phrasing of the words to take care of itself. Even in manuscripts which are vocalized the divisions of chapters only are as a rule marked, and these too only by spaces, while the sentences run on in close succession without any break.

When later compilers found it necessary to set the phrases of the Siddur within bounds, it was not always easy for them to trace the boundary lines. Nor did they always trouble about tracing them. Phrasing in the Torah must perforce be governed by the rigid rule כל פסוקא דלא פסקיה כל פסוקא דלא פסקיה. . . . משה אן לא פסקין ליה. In the Siddur every compiler placed the dividing double-points and the sub-dividing single ones

³ Sephardi, which almost accords with Vitry, has, for example, וְאֵפֶס זֹלָתוֹ כִּכְתוּב בַּתּוֹרָה ; הוא אלהינו ואין עוד אחר . . . ואפס זולתו ככתוב בתורה ונאמר is missing, and כורעים is bracketed.

according to his own sweet will. And a mere cursory glance will suffice to prove how indiscriminately these are used. The few critical editors of the Siddur were more cautious, but they were not always able to decide in whose favour to give the casting vote when opinions are equally divided.

In this article some typical examples are collected and discussed; they are grouped, in some cases, according to the features they present in common, rather than the order in which they occur in the Prayer Book.

I.

The Disputed Phrasings of the Shema' (Singer's edition of the Prayer Book, p. 40), the earliest part of our liturgy, may well be taken as our first example.

While the first of the phrasings given here is the one generally accepted, the second is said to have been adopted by the Jews of Jericho (Pesahim 56 a), thus:

(a) והיו הדברים האלה אשר אנכי מצוך היום | על לבבך

(b) והיו הדברים האלה אשר אנכי מצוך | היום על לבבך

(a) And these words which I command thee this day, shall be upon thy heart.

(b) And these words which I command thee, shall this day be upon thy heart.

The deviation from the general practice may have resulted from the fact that the 'men of Jericho' recited the Shema' in the manner of כריכה (?) instead of פריסה.⁴ The matter, however, has no practical bearing, as both this mode of reciting and the phrasing which is supposed to have resulted therefrom have long passed into disuse.

⁴ For the precise meaning of these terms see Elbogen's *Der Jüdische Gottesdienst*, 25 sq., and notes, p. 515.

2.

Three different phrasings are mentioned in the Talmud (Berakot 14 a seq.) for the words which form the junction between the Shema' and the prayer immediately following it (Singer, 42):

(a) אני ה' אלהיכם | אמת ויציב . . .

(b) אני ה' אלהיכם אמת | אמת ויציב . . .

(c) אני ה' אלהיכם אמת | ויציב . . .

This dispute has its origin in the opinion expressed by R. Judah (*cir.* 150) that no interruption of any kind is permissible between the concluding section of the Shema' and 'the blessing which follows it', so that the two liturgical pieces should be inseparably linked together.⁵ בין ויאמר אלהיכם לאמת ויציב לא יפסיק (Mishnah Ber. 2, 1). Somehow, in the discussion of the Tanna's opinion, his words are cited so as to convey the idea that the *concluding word* of the last section of the Shema' should be closely followed by the opening word of the next prayer; in other words, that the אמת should adjoin the אלהיכם, so as to conform to the biblical phrase of Jer. 10. 10—אלהיכם לאמת ויציב לא יפסיק—(Jer. 10. 10 a; Jer. Ber. 2, 5).⁶

The Talmud accepts R. Judah's opinion as the general law, to be followed whenever the Shema' is recited, and even records the fact that in those places in Palestine where

⁵ The object of joining these two prayers so closely is, no doubt, to prevent 'the prayer following the Shema'' being regarded as unessential and consequently being dispensed with. A similar precautionary measure, which was also applied to the Evening Service, is the passage: כל שלא אמר אמת ויציב שחרית אמת ואמונה ערבית לא יצא ידי חובתו. The immense importance attached by the Rabbis to לחפלה סמיכת נאולה is apparently another instance of forging a strong link for fastening a supplementary part of the service to the main body.

⁶ See משנה to Maimonides, Hil. Ker. Shema' 2, 1.

the third section of the Evening Shema⁶ was dispensed with (since לאו זמן ציצית לילה) and substituted by a brief epitome of it, consisting of its opening and closing words, these closing words were supplemented by אמת so that it be not separated from אלהיכם.⁷

In deference to this Rabbi's opinion as interpreted in the Gemara, phrasing (a), however commendable it may have appeared, had to be abandoned. The dispute now lay between (b) and (c), the point in question being whether אמת should be doubled, the one to be joined to אלהיכם, and the other to join ויציב as required by the context. The decision was against a repetition. It is even recorded that Rabba (*cir.* 300), on hearing a ש"ץ pronounce אמת twice, administered him a mild censure in the witty remark: 'This man is suffering from an excess of "truth".'

The decision was therefore given in favour of (c). But the matter was not allowed to rest there. The word-counting mystics discovered that the words of the Shema⁶ (including שם כבוד מלכותו לעולם ועד) very nearly amounted to the favoured number 248, which is the reputed total of both the affirmative commandments of the Torah and the members of the human body. Three more words were needed to make the total complete. For that purpose אל מלך נאמן was added to the beginning.⁸ The words may have been readily supplied, even suggested, by the 'Amen'

אמרי במערבא ערבית, דבר אל בני ישראל ואמרת אליהם אני ה' ⁷
אלהיכם אמת (Ber. 14 b).

⁸ Amram has no mention of the ר'מ"ח device; while Vitry arrives at this number by adding אל מלך נאמן in תפלת צבור, which we now do only in the case of יחיד. See Elbogen, *op. cit.*, 21; his assertion that אל מלך נאמן and אלהי אמת were both used simultaneously, the one by the congregation and the other by the Hazan, does not seem to be well founded. See also Weiss, *Dor*, IV, 111.

(אל מלך נאמן = א'מ'ן) which was there as the response after the preceding Benediction. Sephardi authorities were averse to this practice on account of the objectionable interception it formed between the Benediction and the Shema'. They therefore supplemented the three, at the other end, by repeating א'ני ה' אלהיכם.

Subsequently, on reputed zoharic authority, and evidently with a view to the double object, of completing the desired total and linking of אלהיכם to אמת, the three words to be repeated at the end by the Ḥazan were ה' אלהיכם אמת.

This was by no means allowed to go unopposed. Rashba, R. Simeon Duran, and some of his distinguished kinsmen strongly deprecated the annexation of the non-biblical word אמת. Rashal shared this view. 'When I act as Ḥazan on the occasion of my father's *jahrzeit*—he states in a responsum—I make a point of repeating aloud א'ני ה' אלהיכם.'⁹

But the French school prevailed. Phrasing (c) with the repetition of אלהיכם אמת ה' is now the universally accepted practice.¹⁰

3.

The decision quoted above against repeating אמת, as well as the talmudic objection to the doubling of the word שמע, led Ibn Jarḥi to object to the repetition of אחד in the Sabbath Musaph Kēdushah (Singer, 160-161). Isaac Luria (כתבי האר"י) who is followed by many others, particularly

⁹ See תשבץ, ii. 236; יבין ובונו, ii. 2; חתם סופר, Or. Ḥayim 10; תש' ריש'לי, 64.

¹⁰ The practice, however, obviously defeats its own object, for 'Shema' to 'Emet' inclusive, *plus* the additional three words, total 249 instead of 248; see on this point א'מג' to Or. Ḥayim 61, also Emden's Siddur, *ad loc.*

by Minhag Poland, for the same reason denounces the phrasing :

(a) . . . ה' אחד | אחד הוא אלהינו

and insists on :

(b) . . . ה' אחד | הוא אלהינו

The commentary *מחצית השקל* to *Orah Haim*, 286, however, advocates (a), pointing out that this is not a case of repetition since the second *אחד* opens a new paragraph. We can go further and say that this *אחד* is essential, being the catchword for the poetical embellishment of the phrase which concludes with it, in the same way as the final words of the other biblical *kedushah* phrases—*כבודו* and *ממקומו*—serve for the other elaborations.

4.

In the first Benediction preceding the Shema the prayer *תתברך* (Singer, 38) apparently opens with a parallelism :

(a) תתברך צורנו מלכנו וגואלנו בורא קדושים |

ישתבח שמך לעד מלכנו יוצר משרתים |

'Be thou blessed, O our Rock, our King and Redeemer,
Creator of holy beings ;

Praised be thy name for ever, O our King,
Creator of ministering spirits ;'

which is however missed in *our* phrasing :

(b) תתברך צורנו מלכנו וגואלנו | בורא קדושים ישתבח שמך לעד

מלכנו | יוצר משרתים . . .

'Be thou blessed, O our Rock, our King and Redeemer,
Creator of holy beings, praised be thy name for ever, O our
King ; Creator of ministering spirits . . .'

The *סדר כל בו* has actually the former punctuation !

5.

But in any case it is erroneous to punctuate the phrase immediately following:

(a) יוצר משרתים ואשר משרתיו | כלם עומדים . . .

instead of

(b) יוצר משרתים | ואשר משרתיו כלם עומדים . . .

This misphrasing is fairly old, for the traditional tune to which these words are chanted by Ḥazanīm is divided according to (a) and must have been jarring upon the ears of countless worshippers for many a decade. Cantor A. Baer in his *Baal T'fillah* even places a crochet rest after משרתיו both in the Week-day, Sabbath, and Festival Services (pp. 9, 124, 228).

Ḥazanīm could best avoid this error by commencing their chanting with בלם אהובים.

6.

Singer's device to avoid a misphrasing which has been similarly perpetuated by the tune to which it is set, has not been made quite clear by him; hence it is generally disregarded. I am alluding to the seventh verse of יגדל (p. 3) which Singer, deviating from all other Sidurim, phrases

(a) לא קם בישראל כמשה עוד נביא | ומביט את תמונתו:

in preference to

(b) לא קם בישראל כמשה עוד | נביא ומביט את תמונתו:

His intention undoubtedly was not so much to join the word נביא to the foregoing, as to separate it from the following word, since phrasing (b), *coupled with the English traditional melody*, gives the imperfect setting of

(c) לא קם בישראל כמשה עוד | נביא ומביט את תמונתו:

What, evidently, Singer rightly desired is:

(d) לא קם בישראל כמשה עוד | נביא ומביט את תמונתו:

7.

Lower in the same hymn the phrase

(a) גומל לאיש | חסד כמפעלו

is punctuated by some

(b) גומל לאיש חסד | כמפעלו

which makes אִישׁ a construct of חסד. But here we may best be guided by the parallelism, which points unmistakably to (a), thus:

גומל לאיש | חסד כמפעלו
נותן לרשע | רע כרשעתו

8.

The variant phrasings in the paragraph next following of the Shema' Benedictions depend on the vocalization of the word קְרוֹשָׁה. If it be קְרוֹשָׁה the phrasing must be

(a) בְּשֵׁפָה בְּרוּרָה וּבְנֵעִימָה קְרוֹשָׁה | כֹּלָם כֶּאֱחָד עֻנִּים

'With pure speech and holy melody they all respond in unison' (Singer, 39).

If קְרוֹשָׁה then:

(b) בְּשֵׁפָה בְּרוּרָה וּבְנֵעִימָה | קְרוֹשָׁה כֹּלָם כֶּאֱחָד עֻנִּים

'With pure speech and with melody they all respond the "sanctification" in unison.'

The first reading seems by far preferable. Not only does it make for syntactical correctness—the sentence is distorted according to (b)—but authoritative evidence is overwhelmingly on its side. Amram, presumably also Vitry, Abudraham, and Abarbanel all have קְרוֹשָׁה; Abudraham mentions the other reading only to denounce it as incorrect. These are followed by Baer (68) (who also cites other authorities), Sachs, Singer, and others. Yet those who read קְרוֹשָׁה, among whom is Landshuth (43), may claim the support of Tosaphot Hagigah 13 b, s. v. מוֹעֵתָן.

Whichever of the two alternatives one may choose, he should be on his guard against coupling the reading of the one with the phrasing of the other, a pitfall which is not escaped by many a Ḥazan.

9.

On all fours with this is an instance from מִן אֲבוֹת (Singer, 120).

Elsewhere, in an article devoted to this prayer, I suggested the reading of מְעִין הַבְּרוּכוֹת instead of מְעִין הַבְּרוּכוֹת.¹¹ The altered reading, which is actually contained in old liturgies in that prayer and has since been found in שֵׁם שְׁלוֹם which the phrase in מִן אֲבוֹת epitomized, would naturally change the phrasing from :

(a) וְנוֹרָה לְשִׁמּוֹ בְּכָל יוֹם תָּמִיד מְעִין הַבְּרוּכוֹת | אֵל הַהוֹדוֹת

‘And daily and constantly we will give thanks unto him in the fitting form of blessings. The God to whom thanksgivings are due. . . .’

to

(b) וְנוֹרָה לְשִׁמּוֹ בְּכָל יוֹם תָּמִיד | מְעִין הַבְּרוּכוֹת אֵל הַהוֹדוֹת

‘And daily and constantly we will give thanks unto his name. He is the dwelling-place of blessings, the God to whom thanksgivings are due. . . .’

10.

The divergency in the phrasing in the second of the Blessings preceding the Shema¹ lies between the Ashkenazi and Sephardi minhagim. The former has :

¹¹ See ‘Study in Liturgy’, by A. Mishcon, in *Jewish Review*, London, 1910, I, 358 sq.; also Elbogen, p. 111, and note. The writer’s suggestion has been remarkably corroborated by the author of תּוֹרַת תְּמִימָה to Deut. 26. 15.

(a) . . . ולא נבוש לעולם ועד | כי בשם קדשך הגדול והנורא במחנו
ננילה ונשמחה בישועתך.

' . . . so that we be never put to shame. Because we have trusted in thy great and revered name, we shall be glad and rejoice in thy salvation ' (Singer, 40).

While in the latter it is:

(b) . . . לא נבוש . . . לעולם ועד כי בשם קדשך הגדול . . . והנורא
במחנו | ננילה ונשמחה בישועתך.

' . . . that we be never . . . put to shame because we have trusted in thy great . . . and revered name. Let us be glad and rejoice in thy salvation. . . . '

So that the words *כי בשם*, &c., while disconnected from the foregoing in (a), are closely connected with it according to (b). This point is further discussed under no. 15.

II.

In the Benediction following the Shema there does not seem to be room for a break in the phrase

(a) ועל כל דורות זרע ישראל עבדיך על הראשונים ועל האחרונים
which appears, indeed, undivided in Vitry, but which we divide between two paragraphs (Singer, 42):

(b) ועל כל דורות זרע ישראל עבדיך:

על הראשונים ועל האחרונים

The wording seems continuous—hence the Ḥazan's passing over this break in silence—for 'על הראש' ועל האח' is obviously the extension of *דורות*. The division here may have been occasioned by the branching off, at this point, of the two variants of *על הראשונים* which Minhag Poland uses respectively for ordinary occasions, and when *ophan-piyut* is said.

12.

This is also the case with

(a) למלך אל חי וקים | רם ונשא

which is divided by a double-point even by Landshuth and Baer, while Ḥagigah 13 a has the phrase

(b) מלך אל חי וקים רם ונשא (שוכן עליהם)

unbroken. Sachs has done well in omitting the dividing mark.

13.

Of the following two (Singer, 44):

(a) שירה חדשה שבחו גאולים לשמך על שפת הים | יחד כלם . . .

(b) שירה חדשה שבחו גאולים לשמך | על שפת הים יחד כלם . . .

the former seems preferable.

14.

Which is also the case with

(a) גואלנו ה' צבאות שמו | קדוש ישראל

(b) גואלנו ה' צבאות | שמו קדוש ישראל

15.

The Shemoneh Esreh has a parallel to the disputed phrasing of בטהנו—לא נבוש mentioned above. The following passage in the thirteenth Benediction is variously phrased:

(a) וחן שבר טוב לכל הבוטחים בשמך באמת ושם חלקנו עמם

לעולם | ולא נבוש כי כך בטהנו

' . . . grant a good reward unto all who faithfully trust in thy name; set our portion with them for ever, so that we may not be put to shame; for we have trusted in thee.'

(*b*) ותן שכר טוב לכל הבוטחים בשמך באמת ושים חלקנו עמם |
ולעולם לא נבוש כי כך בטחנו.¹²

' . . . grant a good reward unto all who faithfully trust in thy name; set our portion with them; and may we never be put to shame, for we have trusted in thee.'

In both cases, it will be noted, לא נבוש and כך בטחנו go together, in accordance with the biblical phrase כך בטחתי אל אביושה (Ps. 25. 2), which proves that the Sephardi phrasing of the passage in אהבה רבה is the more correct one.

As regards the passage from the Amidah, Amram, and Vitry both have (*b*), which is also preferred by Baer (95) and Berliner (*Randbem.*, I, 62) who cite the phrase שלא נבוש ועד ולא נכלם לעולם ועד from Grace after Meals, in its support. It is somewhat strange that Singer (48) in face of all this evidence, chooses to connect the ו with לא נבוש—as in (*a*)—rather than with לעולם.

16.

By transferring the conjunctive ו, as in the foregoing example, a difficulty is removed in the fourth benediction of the Kiddush in the Marriage Service (Singer, 299). The reading, taken from Ketubbot 8 a, is

(*a*) אשר יצר את האדם בצלמו. בצלם דמות תבניתו. והתקין לו
ממנו בנין ערי עד.

As Berliner (*Randbem.*, II, 20) justly remarks, the term תבנית which seems here to refer to God is a gross anthropomorphism, even if used in a figurative sense, since it is only applicable to corporeal bodies. Saadya Gaon, however—as appears from a citation in 'ס' מ'ג, ed. 1488—by transferring the ו makes the words דמות תבניתו refer to Adam, thus:

(*b*) אשר יצר את האדם בצלמו. ובצלם דמות תבניתו התקין לו
ממנו בנין ערי עד.

¹² This is also the version given in Amram and Vitry.

17.

If in the preceding instances the variations are governed by the *transference* of the ו, it is the *omission* of this conjunction which has evidently affected the phrasing as well as the sense of the following passage in the 'long Tahanun'.

The fourth section of that meditation, in the Ashkenazi minhag, based on Vitry (69) begins:

(a) אָנא מלך חנון ורחום. זכור והבט לברית בין הבתרים | ותראה

לפניך עקדת יחיד למען ישראל | אבינו מלכנו חנו . . .

of which Singer (60) gives the following rendering, including the bracketing:

'We beseech thee, O gracious and merciful King, remember and give heed to the covenant between the pieces (with Abraham) and let the binding (upon the altar) of (Isaac) an only son appear before thee, to the welfare of Israel. Our Father, our King, be gracious unto us. . . .'

The question naturally suggests itself, Why is there no allusion to Jacob in connexion with the other Patriarchs? The answer is: The allusion is there. Only it is obscured by the altered phrasing. This is how the Sephardi minhag has it (Gaster, I, 42):

(b) אָנא מלך חנון ורחום. זכור והבט לברית בין הבתרים | ותראה

לפניך עקדת יחיד | ולמען ישראל אבינו ¹³. . . .

'We beseech thee, O gracious and merciful King, remember and give heed to the covenant between the pieces (with Abraham) and let the binding (upon the altar) of (Isaac) an only son appear before thee, *and* for the sake of Israel (Jacob) our father, O our King, be gracious unto us . . .'

¹³ Amram's version, ed. Warsaw, bears a resemblance to both; it lacks the ו, and stops after אבינו; thus: ותראה לפניך עקדת יחיד למען ישראל אבינו אבינו.

18.

Other variations in the same paragraph are:

(a) *כי אין לנו אלה אחר מבלעדיך צורנו | אל תעובנו . . .*

'For we have no other God beside thee, our Rock. Forsake us not . . .' (Singer, 60), which is the phrasing generally accepted. Yet M. Sachs (תפלת ישראל, 3rd edition, p. 86) has it:

(b) *כי אין לנו אלה אחר מבלעדיך | צורנו אל תעובנו*

'Denn wir haben keinen Gott ausser Dir. Unser Hort, verlass uns nicht. . . .'

19.

So also further in the same paragraph:

General phrasing (Singer, 60):

*כי נפשנו קצרה מחרב ומשבי ומדבר וממגפה ומכל צרה ויגון | הצילנו
כי לך קיינו*

'For our soul is shrunken by reason of the sword and captivity and pestilence and plague, and of every trouble and sorrow. Deliver us, for we hope in thee . . .'

Sachs (*ibid.*):

*כי נפשנו קצרה מחרב ומשבי ומדבר וממגפה | ומכל צרה ויגון הצילנו
כי לך קיינו .*

'Denn unsere Seele ist gebeugt durch Schwert und Gefangenschaft und Pest und Seuche. O von aller Noth und jeglichem Kummer rette uns, denn auf Dich harren wir.'

20.

The opening phrase of a subsequent paragraph of the same supplication (Singer, 61),

(a) *הפוחת יד בתשובה | לקבל פושעים וחטאים*

presents a generally felt difficulty, inasmuch as its first part, the words *הפוחת יד בתשובה*, hardly makes any sense.

Commentators, as a rule, leave this phrase alone; and translators, who are denied this very present refuge, usually resort for safety to paraphrasing. Thus Sachs's rendering runs: 'Der Du die Hand, die Rückkehr bietend, offen hältst', while that of Singer is: 'O thou who openest thy hand *to* repentance'.

Emden sees in this phrase an allusion to the talmudic passage (Sanhedrin 103 a):

עשה לו הקב"ה' כמין מחתרת ברקיע כרי לקבלו בחשובה

and renders 'הפוחה יר' 'who openest a *place*' so as to correspond to the rabbinic idea that 'God created a special opening in heaven to receive the repentant' to whom the attribute of justice would deny admission.

But the interpretation would not suffer even if יר be given its ordinary meaning, with the phrasing altered to:

(δ) הפוחה יר | בחשובה לקבל פושעים וחטאים

'O thou who openest the hand, to receive transgressors and sinners in repentance.'

It is true that פתח יר usually conveys the idea of liberal bestowal rather than welcome receptivity; still a liturgical poet employs this term in this very sense when he sings in his Rosh-Hashanah piyut:

הפוחה שער לדופקי בחשובה. וכל מאמינים שהוא פתוחה ירו:

'He openeth his gate unto them that knock in repentance; And all believe that *his hand is ever open to receive them*' (Maḥzor Abodath Ohel Moed, 150).

21.

A similar solution of a textual difficulty, namely, the shifting of the pause, is suggested in connexion with the passage in the Sabbath Amidah (Singer, 139):

(a) והשביעי רצית בו וקדשתו | חמדת ימים אותו קראת זכר למעשה
בראשית

'Thou didst find pleasure in the seventh day, and didst hallow it; thou didst call it the desirable of days, a remembrance of the creation.'

Where, it is generally asked, did God call the Sabbath 'a desirable of days'? The standard answer to this question is well known. The word ויכל in Gen. 2. 2 is said to be rendered והמיר by Targum Yerushalmi. But the famous Ḥazan R. Meir, the contemporary of Rashi, found a solution of his own in altering the phrasing thus: ¹⁴

(b) והשביעי רצית בו וקדשתו חמדת ימים | אותו קראת זכר למעשה
בראשית

'Thou didst find pleasure in the seventh day and didst hallow it as a desirable of days; thou didst call it a remembrance of the creation.'

The solution is admittedly forced; but the original answer is hardly less so.

22.

Another obscure allusion to the Sabbath is disposed of in a very similar manner. Says the Kiddush (Singer, 124):

(a) כי הוא יום תחלה למקראי קדש | זכר ליציאת מצרים

'For it is the first of the holy convocations, a remembrance of the departure from Egypt.'

Some commentators, indeed, make out a case for the Sabbath as a commemoration of the Exodus. But Moses ben Ma'hir, in סדר היום, suggests an altered phrasing of the text:

(b) כי הוא יום תחלה למקראי קדש זכר ליציאת מצרים

'For it is the first of the holy convocations, *which are* a remembrance of the departure from Egypt.'

¹⁴ See Vitry 82; Tan. Rab., § 15.

The Festivals, the three rejoicing ones at all events, certainly answer to that designation better than does the Sabbath.

23.

To return to the Amidah—the prayer רצה ה' אלהינו, which is the nucleus of the Eighteen Benedictions, is one of the three blessings which accompanied the sacrificial offerings in the Temple. When these ceased, with its destruction, the prayer was not abolished—for who ever doubted its coming into use again with Israel's imminent restoration?—but adapted to the changed conditions. Among the modifications effected were the insertion of והשב את (which may have substituted the suggested original wording בתוך העבודה ברביר ביתך),¹⁵ and of the word תקבל ברצון—found both in Amram and Vitry—before מהרה. In this manner the prayer was not only shorn of its obsolete parts, but was turned to good account as an appropriate supplication for the restoration of the Temple ritual.

But then some French kabbalist stepped in, and made it a *sine qua non* that the prayer should only consist of thirty-four words למלאות המספר הידוע ליודעי חן. Some Ashkenazi congregations accordingly omitted את and others dropped מהרה. In the latter case an alteration in the phrasing was made to serve the purpose of the omitted word, namely to give it a prospective application.

Instead of

(a) והשב את העבודה לרביר ביתך | ואשי ישראל ותפלתם (מהרה)
באהבה תקבל ברצון

'Restore the service to the Sanctuary of thy house | and Israel's fire-offerings receive Thou in love and favour', they adopted

¹⁵ Rashi to Yoma 68 b, and to Ber. 11 b.

(δ) והשב את העבודה לדביר ביתך ואשי ישראל | וחפלתם באהבה
חקבל ברצון.

‘Restore the service to the Sanctuary of thy house and Israel’s fire-offerings | and their prayers receive Thou in love and favour.’

The alteration is however unwarranted, and spoils the diction unnecessarily.¹⁶ Even without the מהרה the words may well be taken to have a future application which, moreover, is suggested by והשב. That phrasing (δ) is nevertheless so often heard is largely due to its being adopted, injudiciously, by the סדור כל-ינו which is extensively used by Hazanim.

24.

A plausible remark is made by Berliner, *Randbem.*, I, 63, in reference to the next Benediction. The generally accepted phrasing

(α) . . . ועל נפלאותיך וטובותיך שבכל עת ערב ובקר וצהרים
he declares, is erroneous. There should be a break before ערב ובקר וצהרים since—analogous to אשיחה
Ps. 55. 18—these words are not the extension of שבכל עת
but of תהלתך ונספר תהלתך.

Thus:

(β) . . . ועל נפלאותיך וטובותיך שבכל עת—ערב ובקר וצהרים

Not,

‘We will give thanks unto Thee and declare thy praise for our lives . . . and for thy wonders and thy benefits which are wrought at all times, evening, morn and noon’ (Singer, 51).

But,

‘We will give thanks unto Thee and declare thy praise . . . evening, morn and noon.’

¹⁶ to Or. I Jayim, ch. 52; Landshuth’s statement that Sefh. has the pause before וחפלתם is not borne out by reference to better editions.

25.

Another deviation from the generally accepted phrasing, in the same paragraph, is prescribed by Jacob Emden. Instead of

(a) *כי לא תמו חסדיך | מעולם קוינו לך*

he would have

(b) *כי לא תמו חסדיך | מעולם קוינו לך*

But Amram's wording *ומעולם* and Vitry's *כי מעולם* both point to the fact that *מעולם* should adjoin the following, not the preceding words.

26.

The *ברכה כהנים* (Singer, 53) has the following version in the modern Karaite rite:

*ברכנו בברכה המשלשת | הכתובה בתורתך | האמורה מפי אהרן ובניו
כהניך | ככתוב בתורתך*

Our own version—identical both in Sephardi and Ashkenazi—which is not as clear, lends itself to the following alternative phrasing:

(a) *ברכנו בברכה המשלשת | בתורה הכתובה על ידי משה עבדך . . .*

(b) *ברכנו בברכה המשלשת בתורה | הכתובה על ידי משה עבדך . . .*

It is difficult to say which of these was favoured by our early authorities, since, as a rule, they do not mark these words by any division at all. Of modern liturgists, Baer (102) and Berliner (*Randbem.*, I, 62) prefer the former, while Sachs, as well as Singer, prefers—to judge by his translation—the latter. But neither is free from defects. Against (b) the objection is raised by Berliner that *המשלשת בתורה* can only mean 'the blessing *thrice mentioned* in the Law' instead of, what is evidently intended, 'threefold blessing'.¹⁷

¹⁷ Rabbi Avigdor Chaikin, Dayan of London, in a marginal note shown to the writer, actually interprets this phrase: 'Bless us with the Benediction *thrice mentioned* in thy Law'. For three times, indeed, the learned Dayan

But (a), which he commends, has certainly not less grave a fault. בתורה הכתובה presents a decidedly faulty diction. The words would have to be reversed if they are to mean 'which is written in the Law'. Singer, disregarding the phrasing he adopts in the Hebrew, steers a middle course in his English translation which he gives as:

'Bless us with the three-fold blessing of thy Law written by the hand of Moses thy servant, which was spoken by Aaron and his sons . . .'

But however smoothly this *rendering* may run, it can hardly be reconciled with the original. Moreover, if the words 'written by the hand of Moses thy servant' are to be regarded as qualifying the noun 'Law', as is here implied, then we are faced by the grammatical discrepancy of unrelated participles: התורה referring to תורה, and האמורה ברכה. In Gaster's rendering (I, 36):

'Bless us with that three-fold blessing mentioned in the Law, written by the hand of thy servant Moses, and which is to be pronounced . . .'

the latter difficulty is avoided apparently by making both participles refer to the 'blessing'. But the former difficulty remains. בתורה does not naturally mean '*mentioned* in the Law'.

Were it possible for the two words בתורה הכתובה to change places, as in the Karaite version, all objections would at once disappear, and we would get the perfect phrase

ברכנו בברכה המשלשת | הכתובה בתורה על ידי משה עבדך

asserts, does the priestly function of blessing the people occur in the Torah as an injunction, namely, Num. 6. 27 כה תברכו את בני ישראל ; Deut. 10. 8 ולברך בשם ה' ; Deut. 21. 5 ולברך בשמו.

As it now stands, it seems best to follow neither (a) nor (b) but read the disputed part without a break, as it is put—perhaps not inadvertently—in early liturgies.

27.

In the first paragraph of the Ma'arib Service (Singer, 96) the phrasing of the following passage is now generally accepted:

(a) ומבדיל בין יום ובין לילה ה' צבאות שמו | אל חי וקים . . .
but it is as generally divergent in our earliest liturgies. Vitry has

(b) ומבדיל בין יום ולילה | ה' צבאות שמו אל חי וקים . . .
and this divergence is even more marked in Amram whose version is ה' צבאות שמו חי וקים.

28.

In the same paragraph, several Prayer Books, as well as *to Oraḥ Ḥayim* 236, cite עמק ברכה ס' who emphasizes the break after כרצונו:

(a) . . . במשמרותיהם ברקיע כרצונו | בורא יום ולילה . . .
in contradistinction to what was apparently preferred by some,

(b) . . . במשמרותיהם ברקיע | כרצונו בורא יום ולילה . . .

29.

Is the familiar phrase תמיד לעולם ועד eligible? The answer can only be against employing this tautology. All that can be advanced in its favour is its occurrence in so many and various parts of the liturgy as (a) the Amidah:—תמיד לעולם ועד, . . . ועל כלם, (b) Birkat Hamazon:—על הכל . . . תמיד, (c) Maphtir:—ועל הכל . . . תמיד לעולם ועד

לעולם ועד. But on tracing them to earlier sources we find all these supports tumble one by one. In the Amidah passage Amram has only לעולם ועד and Vitry has the two participles widely apart. So also in Birkat Hamazon Amram has יתברך שמך תמיד עלינו לעולם ועד. While the earliest wording of the Maphtir passage, in Mas. Sopherim 13, 14, is: על הכל ה' אל' אנו מודים לך ומברכים את שמך תמיד אלהי ישענו.
ב' א' י' . . .

There is, therefore, but little doubt that originally some versions had only תמיד and others only לעולם ועד, and that our combination of the two is merely the result of fusing the different versions together, and like many another grammatical impropriety, has been made legitimate by common use.

Is there, however, any justification for employing it where it can be avoided? There can only be one answer; and this will help us to decide the following two disputed phrasings.

The one is in the first paragraph of the Evening Service:

(a) אל חי וקים תמיד | ימלוך עלינו לעולם ועד

(b) אל חי וקים | תמיד ימלוך עלינו לעולם ועד

Both in early and modern Prayer Books the phrase is marked by no division at all. It is, however, evident that Amram and Maḥzor Romi—both of which have הוֹא ימלוך—adopted the former. Baer leaves it practically an open question, and Sachs, to judge by his translation, adopts the latter. Singer's rendering (96) 'a God living and enduring continually mayest Thou reign over us for ever and ever' is so equivocal that it is not easy to say which of the two he favours, but the more explicit rendering of the Maḥzor Abodath Ohel Moed (Davis-Adler) 'O God living and enduring continually, who wilt reign over us for ever and ever' obviously follows (a).

30.

The other example occurs in a later part of the same Service :

(a) המלך בכבודו תמיד | ימלך עלינו לעולם ועד

(b) המלך בכבודו | תמיד ימלך עלינו לעולם ועד

Bacr, indeed, treats both this and the preceding as analogous. The analogy, however, breaks down on one important point. The common version of this passage contains a deviation from the original in the *reading*, which has a slight bearing on the phrasing. Amram, the Sephardi rites, and even Rokeah, all, consistently, adopt (a). But their reading is . . . המלך בכבודו תמיד.¹⁸ With our wording of המלך (b) would give a better sense. Still, as a commentator remarks, even המלך בכבודו תמיד is not a bad grouping when the biblical phrase of Ps. 24 הוא מלך הכבוד סלה is borne in mind.

Now, even if the evidence had been equal, we should have been justified, on the ground of orthography, in giving our casting vote in favour of separating תמיד from לעולם ועד in the last two instances ; as the evidence of early authorities is also preponderatingly on its side, there should be no question at all as to the preference of such phrasing.¹⁹

31.

It is evidently with a view to avoiding a similar tautology that Singer phrases the opening words of the dirge for the martyrs (155):

(a) אב הרחמים שובן מרומים ברחמיו העצומים | הוא יפקוד ברחמים . . .

¹⁸ Maimonides has : המולך בכבודו חי וקים תמיד ימלוך עלינו :

¹⁹ Against the argument which may be advanced to the contrary, that usually appears as a fixed phrase without any participle, such instances as לעולם ועד חי וקים (Mekilta Jetro 6) may be cited.

‘May the Father of mercies, who dwelleth on high in his mighty compassion, remember (mercifully) . . .’
though Baer prefers:

(b) אב הרחמים שוכן מרומים | ברחמיו העצומים הוא יקור ברחמים . . .
‘May the Father of mercies who dwelleth on high, in his mighty compassion remember mercifully . . .’

Singer, however, is not alone in this divergency. He has Emden and Landshuth on his side.

32.

Dr. Berliner’s remark in regard to a similar phrase may here be cited :

The introduction to the דוכן (Singer’s new editions, 238 a) which is so often read as

(a) . . . אנא רחום ברחמך הרבים | השב שכינתך . . .

is a misphrasing, and should be :

(b) . . . אנא רחום | ברחמך הרבים השב שכינתך . . .

33.

Pauses caused by interpolations, verbal and otherwise, are often the cause of irregular phrasings.

Thus the kissing of the ‘fringes’ each time the word ציצית is mentioned has inadvertently broken up the opening sentences of the third section of the Shema¹⁹ as follows :

(a) ועשו להם ציצית | על כנפי בנדיהם לדרתם ונתנו על ציצית |
הכנף פתיל תכלת :

instead of :

(b) ועשו להם ציצית על כנפי בנדיהם לדרתם | ונתנו על ציצית הכנף
פתיל תכלת :^{19a}

¹⁹ No wonder the Gaon of Wilna (ר' מנחם מנדל) is against the practice of kissing the Zizit.

34.

So also in the opening passage of the *Kaddish* (Singer, 75) the Amen response after רבא is obviously responsible for a misplaced break in consequence of which the general phrasing has become:

(a) יתגדל ויתקדש שמה רבא | בעלמא די ברא כרעותה וימליך מלכותה |

Now some commentators make כרעותה refer to די ברא, 'which he *created according to his will*', while others—among whom is the Gaon of Wilna who cites in support the parallel passage (Singer, 145 sq.) . . . יתגדל ויתקדש . . . יתגדל ויתקדש—prefer to connect כרעותה with כרצונו . . . 'Magnified and sanctified . . . according to his will'. But in any case the phrase must close with it, viz.:

(a) יתגדל ויתקדש שמה רבא בעלמא די ברא כרעותה | וימליך מלכותה . . .

'Magnified and sanctified be his great name in the world which he created according to his will. May he establish his kingdom during your life and during your days . . .'

35.

The extent of the next *Kaddish* response is a matter of dispute. Maimonides and Tur (Or. H. 56) limit it to:

(a) ²⁰ יהא שמה רבא מברך לעלם ולעלמי עלמא

Emden, who insists on this response, has even a 'כנגד' to correspond numerically with its words. The Gaon of Wilna assumes that Amram includes also יתברך in the response, since he has אמן after יתברך.²¹ He therefore advocates the response

(b) יהא שמה רבא מברך לעלם ולעלמי עלמא יתברך

²⁰ The Ḥazan continues with יתברך according to Maimonides; according to Tur he is to repeat י' ש' ר' מ' ל' ה' ע'.

²¹ This is, however, no criterion; for in Maimonides, where the response distinctly closes with עלמא, there is also אמן after יתברך.

which is also favoured by מנן אברהם and is the Minhag Sephardi.

בית יוסף, however, followed by ש"ל'ה, extends the response to ראמירן בעלמא and states in Shulḥan Aruk (Or. Ḥ. 563)—where, strangely, it does not seem to extend beyond יתברך—that those who conclude it with עלמייא are in error, as no הפסק is allowed between it and יתברך.²² That (b) is used in general practice contrary to the phrasing even of such commonly used Prayer Books as דרך החיים, not to mention the more critical ones, is perhaps accounted for by the fact that it is particularly favoured by choirs on account of the cadence supplied by יתברך, without which the musical rhythm would be greatly marred.

36.

Opinions are also divided on the point whether בריך הוא is to go with the preceding words:

(a) . . . שמה די קודשא בריך הוא | לעלא מן כל ברכתא

' . . . the name of the Holy One blessed be he | above all the blessings . . . '

or with the following:

(b) . . . שמה די קודשא | בריך הוא לעלא מן כל ברכתא

' . . . the name of the Holy One. Blessed be he above all the blessings . . . '

Those in favour of (a) include Saadya Gaon (cited by Abudraham) Maimonides—though only inferentially—and Minhag Sephardi.

Among those for (b) are אור זרוע who strongly opposes the other alternative, and רמ"א (Or. Ḥ. 56).

²² See Tan. Rabb., ch. 2. The author of ערך השלחן, Or. Ḥay., ch. 564, justly points out that this refers only to interruption by talking.

The acceptance of the one or the other of the alternatives would seem to depend largely on the point whether בריך הוא is part of the text or merely a response. If the former, (a) would be more correct; if the latter, then (b). And the analogy employed by the Gaon of Wilna in another connexion, namely a comparison with the text of the prayer על הכל certainly points to the former, thus:

על הכל: וישתבח ויתפאר . . . שמו של . . . הקדוש ברוך הוא |
קדיש: וישתבח ויתפאר . . . שמה די קדשא בריך הוא |

It may be noted that among modern liturgists Baer (130) is practically the only one who has a pause before בריך הוא, which is also advocated by Berliner (*Randbem.*, I, 62). They were evidently both influenced by the opinion of ר' ישעיה ברלין whom the latter cites in this connexion.

37.

The מ"א deprecates 'the practice of many *Hazanim*' who in intoning the following words of the Kaddish phrase it, evidently in order to meet the exigencies of the melody,

(a) לעלא מן כל | ברכתא ושירתא

instead of

(b) לעלא | מן כל ברכתא ושירתא

A misphrasing, far more commonly used, in the concluding passages of the prayer is:

(a) . . . וחיים עלינו | ועל כל ישראל. . . שלום עלינו | ועל כל ישראל

instead of

(b) . . . וחיים | עלינו ועל כל ישראל. . . שלום | עלינו ועל כל ישראל

38.

Polyphonic Rendering, or the alternate reading by Ḥazan and Congregation, has in the same way left its mark on the phrasing.

In some synagogues the custom has still survived of chanting the latter parts of the פסוקי דומרה in alternate verses by the מוהל and the congregation on the occasion of a ברית. In some congregations this elaborate rendering commences with the suggestive sentence (Singer, 32) רוממות אל בגרונם 'High praises of God are in their throat, and a two-edged sword in their hand', more generally it begins with the even more appropriate verse (34) וכרות עמו הברית 'And thou madest a covenant with him'. The break thus made at this juncture has led to the beginning of a new paragraph with וכרות—quite regardless of the fact that it forms the middle of a verse—whereby the biblical verse Neh. 9. 6:

(a) ומצאת את לבבו נאמן לפניך וכרות עמו הברית . . .

is divided between two paragraphs:

(b) ומצאת את לבבו נאמן לפניך:

וכרות עמו הברית . . .

Heidenheim, Sachs, and Landshuth have bridged the gap by entirely removing this division, while Baer, and accordingly Singer, merely omits the double-point after נאמן לפניך. But these are obviously of little avail while the practice still prevails of the Ḥazan concluding the paragraph with these words.

39.

R. Eliezer of Worms (Rokeah, § 32c) records that his brother Hezekiah regarded with disfavour the practice of dividing the biblical verse of Ps. 148. 13:

(a) יהללו את שם ה' כי נשגב שמו לברו הודו על ארץ ושמים:
between Ḥazan and Congregation—as is still being done—
on returning the Torah to the Ark (Singer, 70), as if the
text were

Ḥazan— יהללו את שם ה' כי נשגב שמו לברו:
Congregation— הודו על ארץ ושמים

40.

And the only argument the Rokeaḥ could advance in
defence of the practice is that it is not the only one of its
kind. Is not Isa. 6. 3

(a) וקרא זה אל זה ואמר קדוש קדוש קדוש . . .
rendered by Ḥazan and Congregation in the *kedushah* as if
it were

(b) וקרא זה אל זה ואמר : קדוש קדוש קדוש :²³

41.

Is not the biblical verse

(a) הודו לה' כי טוב כי לעולם חסדו
divided at the circumcision ceremony (Singer, 305) by
Mohel and Congregation, thus

Mohel— הודו לה' כי טוב :
Congregation—²⁴ כי לעולם חסדו :

42.

There is, of course, also the example of Ps. 118. 24 :
(a) אנא ה' הושיעה נא אנא ה' הצליחה נא :
being rendered in the Hallel (Singer, 223) as

Ḥazan and Congregation— אנא ה' הושיעה נא :
Ḥazan and Congregation— אנא ה' הצליחה נא :

²³ The division was less marked in the Rokeaḥ's time, when the con-
gregation did not say *נקדש ואמר*, but simply *joined* the Ḥazan at *קדוש*.

²⁴ Our custom is to repeat the *whole* verse after the Mohel.

43.

The appearance in all Prayer Books of a double אֵל אֵרֶךְ אַפִּים (Singer, 65 sq.), the verbal difference between which is so slight, always seemed puzzling to liturgists, who, however, ascribed them to different *minhagim*, and even labelled them accordingly. In face of these the directions of Kol-Bo and Abudraham that *both* were to be said (which was upheld by Baer and followed by Singer) seemed anomalous.

This, however, is quite borne out by Vitry (71), according to whose text the theory that the two originated in different *minhagim* falls to the ground. Both, it is asserted, existed simultaneously—as they are indeed found—in each *minhag*.

‘The Hazan says’—

(a) אֵל אֵרֶךְ אַפִּים . . . אֵל בְּאֶפֶךְ תּוֹכִיחוּ . . .

‘And the Congregation respond’—

(b) אֵל אֵרֶךְ אַפִּים . . . אֵל תַּסְתֵּר פָּנֶיךָ מִמֶּנּוּ . . .

44.

Some Miscellaneous Examples may finally be mentioned.

In בְּרוּךְ שֵׁמֶר (Singer, 17), Emden and some Sephardic Prayer Books have

(a) מִשְׁבַּח וּמִפָּאָר בְּלִשׁוֹן חֲסִידָיו וְעַבְדָּיו וּבִשְׂרֵי דוֹר עֲבָדְךָ | נְהַלֵּלְךָ
ה' אֱלֹהֵינוּ בִּשְׂבָחוֹת וּבְזִמְרוֹת | נִגְדֵּלְךָ . . .

‘Lauded and glorified by the tongue of his loving ones and his servants and by the songs of David thy servant. We shall praise thee, O Lord our God, with praises and with psalms; we will magnify . . .’

instead of the generally accepted phrasing:

(b) מִשְׁבַּח וּמִפָּאָר בְּלִשׁוֹן חֲסִידָיו וְעַבְדָּיו | וּבִשְׂרֵי דוֹר עֲבָדְךָ נְהַלֵּלְךָ
ה' אֱלֹהֵינוּ | בִּשְׂבָחוֹת וּבְזִמְרוֹת. נִגְדֵּלְךָ . . .

‘Lauded and magnified by the tongue of his loving ones and his servants. We will also praise thee, O Lord our God, with the songs of David thy servant; with praises and with psalms we will magnify . . .’

Either is eligible as far as the meaning goes. But syntactical evidence is in favour of (b). The person changes from the third to the second with ובשרי, which points to a break *before* that word.²⁵

45.

Another variation in the same prayer is:

(a) ונמליכך מלכנו אלהינו | יחיד חי העולמים מלך . . .

(b) ונמליכך מלכנו אלהינו יחיד חי העולמים | מלך . . .

authoritative opinion being on the side of (b).

46.

Vitry (148 sq.) refutes at some length the erroneous phrasing in נשמת of

(a) ורבי רבבות | פעמים הטובות . . .

which should, of course, be

(b) ורבי רבבות פעמים | הטובות . . .

47.

One cannot very well deviate from the biblical phrasing (Ps. 98. 3)

(a) זכר חסדו ואמונתו לבית ישראל ראו כל אפסי ארץ | את ישועת אלהינו:

in the שבת שכת. Yet the parallelism and sense point unmistakably to:

(b) זכר חסדו ואמונתו לבית ישראל | ראו כל אפסי ארץ את ישועת אלהינו:

²⁵ רבינו תם, however, used in connexion with Hallel, the phrase: משבח ומפואר בשירי דוד עברך, Vitry, 192.

48.

In the concluding paragraph of the Hallel,

(a) יהללך ה' אלהינו כל מעשיך | וחסידך צדיקים . . .

is correct, not

(b) יהללך ה' אלהינו כל מעשיך וחסידך | צדיקים . . .

A number of other instances which are of less academic interest, though of considerable practical importance, must be held over for a popular treatise on the present subject which the writer has in preparation. A list of common errors in phrasing will likewise be more fittingly included there than in this article. The completion of this article has been unduly protracted as it is, owing to the closing of some sections of the British Museum on account of the War.

It may seem strange that the large majority of the variances quoted occur in one and the same *minhag*, where more harmony, if not absolute unanimity, might have been expected. Yet, considering that the earliest compilation of the Siddur, which properly consolidated the liturgy for the first time, was only made as late as the latter half of the ninth century, and that for some centuries afterwards the prayers continued to be read from memory by Ḥazanim who exercised their licence to the full, the remarkable thing is that the divergencies are not far more numerous than they really are.

Still, would it be too much to expect that in the near future an authoritative council may do for the Siddur what the Masoretes have done for the more sacred Bible. The bringing into unison of the liturgical texts even of *each* of the two parent rites—the Ashkenazi and Sephardi—would greatly improve the shape of one of the greatest monuments of the Hebrew genius, and be a good step towards repairing the breaches in the House of Israel.

STUDIES IN GERSONIDES

BY ISAAC HUSIK, University of Pennsylvania.

It is an occasion for wonder and admiration that at this stage and under these conditions of the world's history, when the material, practical and immediate hold the attention of thinkers, authors and publishers alike, there existed a scholar who was willing to give his time to translate a mediaeval and scholastic work, such as is the *Milhamot ha-Shem* of Gersonides, into a modern language, and that a publisher should have been found who had the courage to give this to the scholarly world. And yet this most improbable thing has happened. Benzion Kellermann has undertaken this difficult piece of work, and the first part of his translation has been published by the Berlin Lehranstalt für die Wissenschaft des Judenthums.¹ This first part contains only the first section of Gersonides's treatise, constituting about one-fifth of the work as it appears in the published editions of the original. For be it noted that the published editions of the original Hebrew are not complete, leaving out as they do the first part of the fifth section, a lengthy composition devoted to astronomical questions.

Dr. Kellermann is a disciple of Hermann Cohen, the famous Neo-Kantian philosopher, recently of the University of Marburg, and the founder of the so-called Marburg school. Kellermann shows a deep interest in philosophical problems and a wide reading in philosophy, mediaeval and modern. He believes that a historical work is valuable only in so far as the historian relates

¹ *Die Kämpfe Gottes von Lewi ben Gerson*, Uebersetzung und Erklärung des handschriftlich revidierten Textes von Benzion Kellermann. Erster Teil. Berlin, Mayer und Müller, 1914, 8°, pp. xvi+309 (Schriften der Lehranstalt für die Wissenschaft des Judenthums, Band III, Heft 1-3).

the period of which he treats to the development of thought that preceded and led up to it, as well as to the ideas that grew out of it, leading up to the current philosophy of the day. Moreover, he is of the opinion that a philosophical method of treating a historical subject in the domain of philosophy should itself spring out of the historian's own philosophical point of view. Not merely the validity of the thought under discussion but the exposition thereof, too, should be viewed from a definite philosophical standpoint as a basis. True, such a method lends itself to the charge of being subjective, but it is better frankly and deliberately to embrace subjectivity than to claim its opposite, which cannot be realized, for pure objectivity does not exist. And Kellermann goes as far as to claim this free privilege not only for the historian but for the translator as well. Accordingly he inserts now and then in his translation a phrase or expression harking forward to Cohen and Neo-Kantianism, and in his notes, some of them very long, and especially in his excursions at the end of the book, he discusses Gersonides's doctrines *sub specie aeternitatis*, so to speak or, to be more exact, *sub specie Hermannî Cohen*.

It is not my intention here to argue this debatable question, particularly since a translation as such cannot be much affected by notes and excursions. Provided the text is rendered correctly, the careful reader who is familiar with the subject has the wherewithal to make himself independent of the translator's notes. In this particular instance the translator deserves our special commendation for having been brave enough to rush in where many a student would have feared to tread, not so much by reason of the difficulty of the undertaking as because of the feeling of isolation that overtakes one when he finds that the great majority even of students of philosophy are busy with other things and scarcely lend an ear to one's lucubrations. Another service that Kellermann has done, which will be appreciated even by those who can read the original, is that he consulted several manuscripts, which enabled him in a number of passages to correct the printed readings and to supply omissions which made the printed text unintelligible.

As to the main point, the translation itself, our judgement cannot be an unqualified approval. There are a great many errors, some more serious, some less so. I have marked no less than 311 passages where the rendering of words or phrases or sentences seem to me incorrect or misleading. These errors seem to be due to various causes. Sometimes the translator mistakes one meaning of an ordinary word for another. Sometimes he misses the exact meaning of a technical term or does not know that it is a technical term. Or he fails to see the sequence of an argument and connects the sentences incorrectly. In some cases, too, the error arises from the fact that the text is corrupt in the manuscripts as well as in the printed editions, and the emendation obviously required by the context did not suggest itself to Kellermann. Considering that it will be a long time before another modern translation will be undertaken of the *Milhamot*, it seemed proper to take up the passages rendered, as it appears to me, incorrectly by Kellermann, and set them right. The emended passages in the text will also be of value to the future editor of the original Hebrew.

The following references to the Hebrew text are to the page and line of the Leipzig edition (L.):

I. (L. 2, 31)

וראוי שלא יעלם ממנו שלא יעמוד בזאת השאלה מופת מענינים קדומים לעולם, כאלו תאמר הסבה הראשונה, כי היתה יריעתנו בעצם הסבה הראשונה חלושה מאד, ולזה אי אפשר שנעשה ממנה התחלת מופת בזאת החקירה, אמנם המופתים שאפשר העשותם בזאת השאלה הם מסוג מופתי הראיה בהכרח, ר"ל שהם לקוחים מענינים מתאחרים לזאת הראיה.

(K. 3, 2)

Es darf uns jedoch nicht verborgen bleiben, dass uns in diesem Problem kein Beweis *über*² das Vorweltliche zur Verfügung steht

² Italics mine.

I take it for granted that Kellermann had the same text as in the Leipzig edition, since he does not indicate a variant. And yet he renders the particle מ in מענינים קרומים 'über' instead of 'von', thus destroying the entire sense of the author. Gersonides does not say that in this problem (viz. the origin of the world) there is no proof *for* premundane things, as for example the First Cause, but, as the sequel shows, that in the arguments concerning the origin of the world we cannot make inferences *from* things that are prior to the world, say the first cause. He is discussing a matter of applied logic or methodology. The best kind of syllogistic proof in logic is what is known as יחד מופת הסבה והמציאות, i.e. a syllogism in which the middle term is by nature prior to the last term and the cause of it. Such a proof is known as an absolute demonstration מופת מוחלט. An example would be the following: All men are mortal, *A* is a man, therefore *A* is mortal. The middle term, 'man', is prior to 'mortal' and the cause of it.

Now take the following example: All wetness is the result of a liquid, this spot is wet, therefore there was a liquid here. The middle term here is 'wetness', which is not the cause of the last term, 'liquid', but the consequence thereof. We proved an event in this case by inferring the cause from the consequence. A proof of this kind is regarded as inferior and is known as מופת המציאות, and more properly as ראייה (Ar. دلالة, Greek σημείον). Averroes in his compendium of logic, Hebrew translation, Riva, 1560, defines these two kinds of proof respectively as follows:

מופת הסבה והמציאות: . . . יתחייב בהכרח בזה המין מן ההיקש עם היותו מועיל לחכמות האמתיות שיתן עם זה הסבה, עד שיהיה הגבול האמצעי, בו סבה לשני דברים ר"ל הידיעה בדבר וסבת הדבר, בחלוק מה שהוא עליו הענין במופת המציאות כי הגבול האמצעי שם אמנם סבה לידיעתו בתולדה לבד לא לתולדה . . .³

The meaning is that in a real demonstration the middle term is not only the cause of our inferring the conclusion, but is in reality the cause of it, whereas in the so-called ראייה the middle

³ כל מלאכת ההניין p. 36a.

term is in reality the result of the conclusion, though it is the cause of our knowing it. Further on Averroes characterizes the מופת המציאות as follows:

ואולם מופת המציאות . . . הנבול האמצעי לא יהיה בו סבה לתולדה אבל אמנם יהיה סבה לידיעתנו לבד ולא יהיה הקודמת בו ביריעה קודמת במציאות ואשר בזה התאר שני מינים, אחד מהם והוא הראשון מה שנאמר עליו ראיה הוא המין אשר יתבאר בו תמיד הקודם במציאות במתאחר בו כאשר היה קודם בידיעה דמיון זה שנבאר שהירה כדורי התמונה בעבור שאורו יצמח בתמונה הירחית.⁴

To come back to Gersonides, he tells us that we cannot prove the origin of the world by means of a real demonstration, i.e. by arguing from a thing prior to the thing we want to prove, as for example from the First Cause, because our knowledge of the First Cause is very imperfect. We are limited to the inferior proof known as ראיה, which argues from the consequent to the antecedent.

Averroes makes the same remark in his compendium of the *Metaphysics*⁵ regarding the proofs employed in that science:

واما انواع البراهين المستعملة فيه ايضاً فهي أكثر ذلك دلائل اذ كنا انما نشير فيه ابدأً من الامور التي هي اعرف عندنا الى الامور التي هي اعرف عند الطبيعة *

Or, as the Hebrew translation of Moses Tibbon has it:⁶

ואולם מיני המופת הנעשים בו גם כן הם רובם ראיות כי הנה נקח בו ראיה תמיד מן הענינים אשר הם יותר ידועים אצלנו אל הענינים אשר הם יותר ידועים אל הטבע.

2. (L. 3, 24)

והנה במקומות מה הארכנו בביאור מה שיחשוב המעיין שהתבאר בדברי זולתנו והביאנו לזה דבר מה חדשנו בו . . .

(K. 4, 16)

Doch manche Stelle haben wir deshalb in unserer Erörterung

⁴ *Ibid.*, 40b. ⁵ Ed. Caird, pp. 5, 8. ⁶ MS. copy in my possession.

breiter behandelt, weil der Leser vermuten könnte, dass es sich dabei um die Erörterung fremder Ansichten handelt . . .

Here Kellermann misses the point. Gersonides says that although he has endeavoured in general to be brief, nevertheless in some cases he discusses a subject at length, though it may seem to the reader that the subject has been sufficiently treated by others, because he has something new to say on the subject.

3. (L. 4, 7)

רבים ייחסו לנו לעזות מצח ולהריסה חקרנו בקדמות העולם וחדושו.

Kellermann (5, 19) translates הריסה by 'Zerstörungssucht', from הרס, to destroy. The correct meaning is in this case rashness, presumption, and it is related to the phrase in Exodus (19. 21) ה' בְּפִי יִהְיֶה רָסָה אֵלָּהּ. The term was first used by Samuel Ibn Tibbon, at the suggestion of Maimonides himself, to render the Arabic *thahafat* (6th conj. of *hafat*), which means to fall over one another, to rush headlong into danger. See Munk, *Guide*, I, p. 23, note 1.

4. (L. 4, 20)

ואולם היה אפשר שיאמרו כי זאת החקירה לא יפול בה האמת כי אם לנביא, כי הם אולי יאמרו שמה שיוודע לנביא בדרך הנבואה אי אפשר ידיעתו לחכם מדרך העיון. עוד ישנו אבל זה המבוקש החבאר לנביא בדרך הנבואה ויחויב מזה המנע ידיעתו לחכם מדרך העיון.

(K. 6, 3)

Indes könnten sie sagen, dass bei einer derartigen Forschung nur einem Propheten sich die Wahrheit erschliessen kann ; denn sie könnten vielleicht sagen : Was sich einem Propheten auf dem Wege der Prophetie erschloss, das kann unmöglich einem Gelehrten auf spekulativem Wege offenbar werden : *Ferner gibt es einige, die sagen:*⁷ Würde dies Problem einem Propheten auf dem Wege der Prophetie erschlossen werden, so würde sich gerade die Unmöglichkeit des Erschliessens für einen Gelehrten auf spekulativem Wege ergeben.

⁷ Italics mine.

Kellermann confuses the passage, which is very simple and clear. For he makes Gersonides give the same identical argument twice and present it as two distinct arguments. And the mistake is due simply to a misunderstanding of the overlined words עור ישנו. K. read them evidently עור ישנו, and not knowing what to make of them rendered them 'Ferner gibt es einige die sagen', and the mischief was done. The following words had to be a new argument, and so he was obliged to render התבאר and ויחייב as conditional, despite the אבל at the beginning.

As a matter of fact the words which troubled Kellermann should be read עור ישנו = Then they say again. We have here an argument of this form:

If a is b , then b is c ;

But a is b , therefore b is c .

In this particular case the argument is as follows: These people may argue, says G., 'That which the prophet acquires through prophetic revelation, the philosopher cannot know by means of speculation'. (This is the first part of the conditional syllogism.) Then they continue (עור ישנו), 'But the question at issue (viz. the creation of the world) *was* revealed to the prophet. Therefore it follows that it cannot be acquired by the philosopher by means of speculation'. It is one argument and not two.

5. (L. 5, 18)

ומה ישנור הרב רבינו משה נ"ע בהמנע ההשנה בזה המבוקש אינה טענה
עלינו, אם לא נתבאר בטול מה שנתחייב ממנו אחד מחלקי הסותר בזאת
החקירה כמו שקדם.

(K. 7, fin.)

Was aber die Entscheidung des Maimonides betrifft: Die Perception dieses Problemes sei unmöglich, — so ist dies kein Einwand gegen uns, es müsste denn sein, dass sich eine bestimmte Absurdität erweisen liesse, insofern sich hieraus einander kontradizierende Teile in dieser Forschung ergeben, wie vorausgeschickt wurde:

This translation is quite impossible, and Gersonides meant to say something entirely different. As the expression כמו שקרם indicates, he is referring to the following passage on p. 4, 17.

ועוד שדברינו בואת החקירה אם היו צורקים יהיה מה שיחשבו בו גנות שבח, רוצה לומר אם השגנו מה שנעלם מן הקודמים ' ואם לא היו צורקים, הוא מבואר שמהצר ההוא לבד ישיגנו הגנות.

He is trying to defend himself here against those conservatives who are opposed to every new undertaking, assuming that what the ancients have not succeeded in proving, the moderns surely cannot, and hence they accuse every new thinker of presumption. Gersonides answers these critics as follows: You must not condemn my attempt in advance. See the result first. If I succeed in proving my point, i.e. in solving the problem of the origin of the world, which has not hitherto been solved, I shall deserve commendation instead of condemnation. And if my solution is a failure, I shall deserve condemnation to be sure, not for attempting to solve, but for failing to do so.

Now in the passage under discussion he refers to Maimonides' well-known statement in the *Guide of the Perplexed* that the question of the eternity or creation of the world is one that cannot be scientifically proven. This judgement of the matter, Gersonides then says, need not be regarded as condemning my undertaking in advance, unless you can invalidate my disjunctive (אחר מחלקי הסותר) mentioned before. In other words, G. means, either I succeed or I fail. If I succeed I deserve praise and not blame for solving what the great Maimonides thought insoluble. If I fail you can blame me for failing but not for making the attempt. In advance you must not judge me.

6. (L. 6, 7)

וכן הוא מבואר שאין ראוי למעיין בדברינו שירדפנו תחת אהבתנו אותו וכוונתנו להועיל, למען על דברינו בסבות (לאהבת read) הנצוח, כי זה, אולי יהיה סבה שלא יבין מדברינו מה שרצינו בהם.

(K. 9, 6)

Ebenso ist erwiesen, dass der Leser unseres Buches uns nicht dafür, dass wir ihn lieben und ihm nützen wollen, verfolgen darf, *indem er unseren Worten streitsüchtige Motive unterschiebt. Dies möchte vielleicht darin begründet sein*,⁸ dass er gar nicht versteht, was wir damit beabsichtigen.

This translation is inaccurate. What Gersonides says is that the *reader* must not approach the book with a disputatious attitude (לטעון על דברינו לאהבת הנצוח), because the prejudice arising therefrom may prevent him from understanding the meaning of the author.

7. L. 7, 12)

ובקצת אלו הדרושים הישירנו למצא האמת הישרה נפלאה מה שבא
מוה בתורה.

(K. 11, 5)

Bei einigen Untersuchungen leitet sie (sc. die Spekulation) uns dazu an, die richtige und hervorragende Wahrheit dessen zu finden, was hiervon in der Thora vorkommt.

This is the very opposite of what Gersonides intended to say. His words above quoted must be construed as follows: מה שבא האמת למצא הישרה נפלאה הישירנו הישרה. That is, the teaching of the Bible often guided Gersonides in a remarkable way in seeing the truth in philosophical problems. The sequel confirms this.

וראוי היה להיות כן לפי שהתורה תכונן להגיע המתנהגים בה אל השלמות האנושית בתכלית מה שאפשר . . . ובהיות הענין כן והיו בכאן דרושים עמוקים מאד יקשה לאדם ההגעה אליהם, הנה מן הראוי חיה שתישיר אותנו התורה להגיע אל אמתם.

8. (L. 7, 28)

האחת, כי יש שם עניינים קודמת ידיעת קצתם בטבע לקצת, כקדימת ידיעת ההקדמות לידיעת התולדה המחוייבת מהם, וזה אם בחכמה אחת ואם בשתי חכמות, כמו שהעניינים הלמודיים תקדם ידיעתם בטבע

⁸ Italics mine.

לעניינים הטבעיים, ואם הנושא האחר יותר כולל מן האחר, וזה כי ה'למודי' יחקור בגשם מוחלט, והטבעי יחקור גם כן בגשם מוחלט, אלא שהוא יחקור בו מצד שהוא מתנועע.

(K. II, fin.)

Erstens: Es gibt Gegenstände, bei welchen von Natur aus die Kenntnis des einen der Kenntnis der anderen vorangehen muss, wie die Kenntnis der Prämissen der Kenntnis des aus ihnen gefolgerten Schlusses, und dies ist bald bei einer, bald bei zwei Wissenschaften der Fall. So muss die Kenntnis mathematischer Dinge von Natur aus der Kenntnis physikalischer Dinge vorangehen, *obgleich der eine Träger* (sc. *der Wissenschaft*) *mehr enthält als der andere*;⁹ so untersucht die mathematische Wissenschaft den absoluten Körper und ebenso die physikalische, nur untersucht diese ihn in bezug auf seine *Bewegung* . . .

The italicized passage is difficult and should have had a note. The meaning is apparently that mathematics is prior by nature to physics, even though the subject of the former is more comprehensive (יותר כולל) than that of the latter. For mathematics deals with body in the abstract, whereas physics has for its subject body as affected by motion. Body as such is more comprehensive or more universal because it embraces all bodies without exception, or because it abstracts from any of the qualities of body. Now the concessive form of the clause would indicate that one would ordinarily expect the more universal subject to come later by nature than the more particular, but this is clearly opposed to the opinion of Aristotle, who says time and again that whereas for us individual men (ἡμῖν) the particular (τὸ καθ' ἕκαστα) is better known than (γνωριμώτερον), and hence prior to (πρότερον) the universal (τὸ καθόλου), by nature (φύσει), or absolutely (ἀπλῶς), the universal is prior. The clearest passage is the one in the *Posterior Analytics*, i, ch. 2, p. 71 b 33, ed. Bekker: πρότερα δ' ἐστὶ καὶ γνωριμώτερα διχῶς· οὐ γὰρ τὸ αὐτὸν πρότερον τῇ φύσει καὶ πρὸς ἡμᾶς πρότερον, οὐδὲ γνωριμώτερον καὶ ἡμῖν γνωριμώτερον. λέγω δὲ πρὸς ἡμᾶς μὲν πρότερα καὶ γνωριμώτερα τὰ ἐγγύτερον τῆς αἰσθήσεως, ἀπλῶς δὲ πρότερα καὶ γνωριμώτερα τὰ

⁹ Italics mine.

πορρώτερον. ἔστι δὲ πορρωτάτω μὲν τὰ καθόλου μάλιστα, ἐγγυτάτω δὲ τὰ καθ' ἕκαστα.

Accordingly we should expect G. to say that mathematics is prior by nature to physics *because* (not *although*) the subject of mathematics is more universal than that of physics. It seemed therefore at first that the clause **וְאִם הַנוֹשֵׂא הָאֶחָד יוֹתֵר כּוֹלֵל מִן הָאֶחָד** should be translated, 'and also when the one subject is more universal than the other', as a second condition of priority by nature in addition to the priority of the premises to the conclusion mentioned before. In this case we should expect this clause to come before the illustration of mathematics and physics. It is not in fact impossible that it was misplaced by some copyist, who found it in the margin of his copy and did not know where it belonged. For there is another objection to construing the clause concessively, and that is that we then desiderate a reason why mathematics is by nature prior to physics.

There is, however, a way of defending the concessive interpretation as follows. There is a passage in the *Physics* which has given the commentators of Aristotle a good deal of trouble because it seems to contradict the relation between the universal and particular expressed above. The passage reads as follows (*Phys.* i. 1, p. 184 a 16): πέφυκε δὲ ἐκ τῶν γνωριμωτέρων ἡμῖν ἡ ὁδὸς καὶ σαφεστέρων ἐπὶ τὰ σαφέστερα τῇ φύσει καὶ γνωριμώτερα· οὐ γὰρ ταῦτα ἡμῖν τε γνώριμα καὶ ἀπλῶς. διόπερ ἀνάγκη τὸν τρόπον τοῦτον προάγειν ἐκ τῶν ἀσαφεστέρων μὲν τῇ φύσει ἡμῖν δὲ σαφεστέρων ἐπὶ τὰ σαφέστερα τῇ φύσει καὶ γνωριμώτερα. ἔστι δ' ἡμῖν πρῶτον δῆλα καὶ σαφὴ τὰ συγκεχυμένα μᾶλλον· ὕστερον δ' ἐκ τούτων γίνεται γνώριμα τὰ στοιχεῖα καὶ αἱ ἀρχαὶ διαιροῦσι ταῦτα. διὸ ἐκ τῶν καθόλου ἐπὶ τὰ καθ' ἕκαστα δεῖ προϊέναι. τὸ γὰρ ὅλον κατὰ τὴν αἴσθησιν γνωριμώτερον, τὸ δὲ καθόλου ὅλον τί ἐστίν· πολλὰ γὰρ περιλαμβάνει ὥς μέρη τὸ καθόλου.

This seems to say in the underlined part that we should begin with the universal because that is better known to us, though not better known by nature, a direct contradiction of the authentic views of Aristotle elsewhere, as shown before. The commentators

solve this difficulty by pointing out that καθόλου and καθ' ἑκαστα are used here in a different sense from the ordinary, which reverses their meaning. καθόλου is equivalent to συγκεχυμένον and ὅλον, namely, a sensible whole of which καθ' ἑκαστα are the conceptual parts (see Waitz, *Organon*, II, p. 306 ad 71 b 21; Trendelenburg, *De Anima*, p. 338; Zeller, *Philos. d. Griechen*, II, 2, 3rd ed., p. 197, note 2). But it would seem as if Averroes did not understand it this way, for in his compendium of the *Physics* (Heb. translation, ed. Riva di Trento, 1560, p. 3 a) we find the following :

ואולם סדר הלמוד הנעשה בה הנה בעבור שאמנם נתחיל מן הענינים אשר הם אצלנו יותר ידועים בין שיהיו הם הידועים אצל הטבע או לא יהיו והיו ההתחלות הכוללות יותר ידועות אצלנו בבקשה והיה אפשר שנעמד עליהם במהירות מצד הכללות המניע אותם והיה הכולל תמיד אצלנו יותר ידוע מן המיוחד כי ההרגשים אשר יתחדשו מתחלת הענין והדמיונים בלתי נפרדים ולא נכרים ואין הענין אצל הטבע כן כי הידועים אצל הטבע הם המיוחדים אשר מהם יעשו הדברים כענין באומנות המעשיות היה מן המחוייב שנתחיל בעיון בהתחלות הכוללות לעניינים הטבעיים . . .

This passage says plainly that by nature the particular is better known than the universal. Gersonides did not read Aristotle. He read Averroes, and the passage just quoted probably influenced him, so that he might have said that mathematics comes before physics, even though, as the more universal subject, it is by nature less known. But the difficulty still remains—why *is* mathematics prior by nature to physics? I do think the suggestion I made above may be the correct one. This is confirmed by G. himself in the following paragraph (L., p. 8 init.) where he tells us that universals come before particulars, הקדמת הענינים הכוללים לעניינים המיוחדים.

9. (L. 7, fin.)

וזה המין מן הקדימה מחוייב מצד הענין והמעין.

(K. 12, 12)

Diese Art des Vorsetzens *ergibt sich*¹⁰ von seiten des Gegenstandes und des Lesers.

¹⁰ Italics mine.

'Ergibt sich' is not a correct translation of מחוייב in this place. Gersonides is speaking of the proper order of investigation and exposition. He says there are seven conditions determining correct order. Some of these conditions make a given order absolutely necessary (על צד החיוב, מחוייב), some merely make it preferable (על צד היותר טוב). Each of these may again be subdivided. A given order may be essential (מחוייב) for the subject-matter (מצד הענין), or for the reader or investigator (מצד המעיין), or for both at once (מצד הענין ומצד המעיין). Similarly a given order may be merely preferable (על צד היותר טוב) in the same three ways. In the sequel he gives an example first of the order of priority which is *essential for subject-matter and reader* (מחוייב מצד הענין והמעין). K., by rendering מחוייב by 'ergibt sich', destroys the meaning.

10. (L. 8, 1 ff.)

והשנית הקדמת העניינים הכוללים לעניינים המיוחדים. לפי שבוה הדרך תהיינה ההקדמות הלקוחות לאמת העניינים ההם ראשונות, ינשאו נשואם על נושא מדרך מהו ולא יקרה בזה הכפל. וזה המין מן הקדימה הוא כמו אמצעי בין מה שהוא מחוייב משני הצדדים ומה שהוא על הצד היותר טוב משני הצדדים, ואם היה היותר מחוייב משני הצדדים יותר ראוי.

(K. 12, 13)

Zweitens: Allgemeine Begriffe gehen speziellen voraus, weil die auf diese Art zur Aufhellung jener Inhalte gewonnenen Prämissen *zuerst* stehen müssen, um auf eine bestimmte Art ihr Prädikat dem Subjekte zu vindizieren, ohne dass hierbei eine Vordoppelung entsteht (Syllogismus). Eine solche Art des Vordoppelens ist etwa das Mittlere zwischen dem, was sich aus zwei Seiten ergibt und demjenigen, was auf einer Seite steht (sc. einer Relation zugeordnet ist), die weit besser ist als die *beiden* Seiten; wenn aber das Bessere aus den zwei Relationen sich ergibt, so ist es um so günstiger.

This translation makes the entire paragraph unintelligible. To render the meaning of Gersonides clear, it is necessary to explain that הקדמה ראשונה means here a *primary proposition* or *premise*,

i. e. a proposition or premise which is not itself derived from a previous one in a given science. Thus the proposition, 'a triangle is a three-sided plane figure', might be called a *הקדמה ראשונה*; whereas the proposition, 'a scalene triangle is a three-sided plane figure', is not a *הקדמה ראשונה* because the proposition in question applies primarily to triangle in general. It applies to a specific kind of triangle by virtue of the latter being included in triangle in general. In the former proposition the predicate (*נשוא*) as applied to the subject (*נושא*) answers the question, 'What is it?' (*מהו* = *τί ἐστί*; = *quid est?*), i. e. it denotes the essence (*מהות*) of the subject.

Now the point of Gersonides's remark is that if we are studying or teaching geometry we should treat of triangle in general first, and of right triangle and isosceles triangle and scalene triangle afterwards, for the reason that in proving the properties of triangle in general (*העניינים ההם*) we shall make use of primary and essential propositions (*הקדמות ראשונות ינסאו נשואם*), and hence it will not be necessary to prove the same properties over again (*לא יקרה בזה*) when we come to treat of specific kinds of triangles (*עניינים הכפל*) when we come to treat of specific kinds of triangles (*המיוחדים*); for we have proved those properties of triangle *qua* triangle, which includes all kinds. But if we treat of scalene triangle first and prove among other things, say, that the sum of its angles is equal to two right angles, we shall have to make use of the second proposition above mentioned, which is not primary and essential since it is not the proper answer to the question, 'What is a scalene triangle?' in the technical sense of 'what is?' and, moreover, since scalene triangle does not embrace all triangle, we shall have to prove the same property for triangle in general, and for isosceles triangle, and so on.

Then Gersonides harks back to his classification of order of precedence, of which we spoke before,¹¹ and says that the precedence just spoken of stands midway between *the essential in both respects* (*מה שהוא מחוייב משני הצדדים*), i. e. for subject matter and reader (*מצד הענין והמעין*), and *the merely preferable in both*

¹¹ See No. 9.

respects (מה שהוא על צד היותר טוב משני הצדדים), although it rather belongs to the former than to the latter.

II. (L. 8, 6)

והשלשית, כי המחבר הוא מבואר שלא יחבר לעצמו אבל להשפיע לכולתו. ולזה ראוי לו שישים השתדלותו לסדר דבריו בדרך יגיע בה המעיין אל תכלית הכוונה בספר ההוא, ומפני זה יחויב לו שיתחיל הלמוד בקל, ואם לא היה הקודם מודיע המתאחר בעצם. וזה המין מן הקרימה הוא מוצד הענין בעצמו על צד היותר טוב, ומצד המעיין אשר לו היתה הכוונה בחבור הספר ההוא הוא כמו מחויב . . .

(K. 12, 24)

Drittens: Es ist erwiesen, dass der Verfasser nicht für sich schreibt, sondern um auf andere seine Kenntnisse ausströmen zu lassen. Deshalb muss er bestrebt sein, seine Worte nach einer Methode zu ordnen, durch welche der Leser den in unserem Buche beabsichtigten Zweck erreicht, und aus diesem Grunde muss die Belehrung mit dem Leichten beginnen, *es müsste denn das Vorhergehende das Folgende substantiell involvieren* (sc. dann wäre bei der Identität des Vorhergehenden mit dem Nachfolgenden die Methode vom Leichterem zum Schwereren überflüssig).¹² Diese Art des Vorsetzens ist auch inbezug auf den Inhalt selbst *die beste*,¹² während es inbezug auf den Leser, dem ja die Abfassung dieses Buches gilt, gleichsam notwendig ist : . .

The italicized passages in the translation are incorrect and conceal the thought of Gersonides instead of revealing it. What he says is that since the writer does not write for himself but for the reader, he should proceed from the easier to the more difficult, *even though, in following this order, the things treated first do not prove those which follow in a strictly essential, i.e. thoroughly scientific, form.*

In other words he means, it is sometimes necessary for the sake of clearness to pass from the particular to general, even though the particular cannot prove the general. It may, however,

¹² Italics mine.

illustrate it and make its meaning clear, and then one can proceed in a strictly scientific manner. Then he adds, this class of precedence belongs to the kind which so far as the subject matter is concerned is *merely preferable* (על צד היותר טוב), whereas for the reader it is practically *essential* (מחויב).

12. (L. 8, 32)

והמשולש למרובע.

(K. 14, 6)

'Oder das *Dreifache* dem *Vierfachen*.'

The Hebrew words denote *triangle* and *square* respectively.

13. (L. 8, fin.)

זה המין מן הקרימה הוא מצד הענין והמעין על צד היותר טוב.

(K. 14, 11)

Und diese Art der Vorsetzung ist sowohl mit Bezug auf den Gegenstand als auch mit Bezug auf den Leser *besonders vorteilhaft*.¹³

The italicized expression gives a wrong idea of G.'s meaning, and loses sight of the fact that על צד היותר טוב is a technical term (see No. 9). The correct translation is as follows: 'This kind of precedence belongs to the class of the "preferable" (i. e. not to the "necessary" or "essential").' See also No. 10, last paragraph.

14. (L. 9, 29)

וגם במונחות ההם יצטרך לו סדור מה בזה, רוצה לומר שיעדר ראשונה המון אשר ירגיש מעט בהעדרו . . .

(K. 15, 30)

Und auch in Bezug auf die Nahrung muss der Autor eine bestimmte Ordnung innehalten, ich meine, *die Nahrung muss ihm so entzogen werden, dass er nicht viel davon merkt*.¹⁴

The italicized passage is not precise. G. says in the preceding context that in undermining an opponent's position one must do

¹³ Italics mine.

¹⁴ Italics mine.

it negatively by withdrawing tacitly the support of that position or, as G. expresses it, by withholding the food that serves as nourishment to his opponent's idea. Now he adds, this withdrawal of the support must also be done in a certain order. He must first withdraw *that food which the opponent will miss least*, and so gradually by removing one kind of food after another he will leave the opposite position without any support.

15. (L. 9, 32)

ואם יקרה שבהעדר מזון מה מן השרש הוא ישיבהו המחבר מזון
למה שיקיימחו או ירצה לקיימחו יהיה אז יותר . . .

(K. 15, fin.)

Wenn es nun dem Verfasser gelingt, *ihm*¹⁵ bei der Entziehung der Nahrung für jenes Prinzip gleichzeitig *solche zu reichen*, die dem entspricht, was der Autor bestätigt oder bestätigen will . . . dann ist es um so besser.

Here also the italicized words do not render ישיבהו correctly. ישיבהו does not mean *to give food to the opponent*, but *to turn the food withheld from the opponent into sustenance for one's own position*.

16. (L. 10, 1)

זוה המין מן הקרימה הוא מצד המעיין על צד היותר טוב, וכמעט
שהוא מחוייב לפי מה שהקדמנו זכרו.

(K. 16, 7)

Diese Art der Antizipation ist für den Leser *besonders wertvoll*, und es ist *kaum nötig*,¹⁶ sie nach dem Vorausgeschickten noch besonders zu erwähnen.

In rendering על צד היותר טוב by the words 'besonders wertvoll', K. makes the same mistake as in No. 13, to which the reader is referred. In the latter part of the translation it is difficult to see how he manages to translate שהוא מחוייב לפי מה שהקדמנו זכרו 'es ist kaum nötig, sie nach dem Voraus-

¹⁵ Italics mine.

¹⁶ Italics mine.

geschickten noch besonders zu erwähnen'. The meaning of course is that this kind of precedence is more than *merely preferable* (על צד היותר טוב), as he has just said. It is *almost necessary* (כמעט שהוא מחוייב), according to our former classification (לפי מה שהקדמנו זכרו).

17. (L. 10, 26)

וראוי שלא יעלם מן המעיין בדברינו שזה הספר לא נפלו בו הדברים
מוולת עיון, אבל נפל בו מה שנפל אחר החקירה השלימה.

(K. 17, 15)

Es darf auch dem Leser unseres Buches nicht verborgen bleiben, dass in unserem Buch *nur spekulative Dinge enthalten sind*,¹⁷ welche aber erst nach einer solchen abschliessenden Untersuchung zum Ausdruck gelangen, die . . .

The italicized words are clearly a blunder, due to the assumption that עיון is always a technical term meaning theoretical speculation as a discipline. G. simply says here that the ideas laid down in this book were not put there without having been carefully thought out (מוולת עיון). The sentiment corresponds to the words of Maimonides in the introduction of the *Moreh* (ed. Warsaw, p. 9 a): המאמר הזה לא נפלו בו הדברים כאשר נודמן, אלא ברקדוק גדול ובשקירה רבה.

18. (L. 12, ch. 1, beg.)

בעבור שהיה השכל היותר ראוי מחלקי הנפש שיחשב בו ההשארות
והנצחות, לפי ששאר חלקי הנפש . . .

(K. 19, beg.)

Da der Intellekt insofern der vorzüglichste Teil der Seele ist, als man ihn für unsterblich und ewig hält, während die anderen Teile der Seele . . .

The first part of the sentence is incorrect. 'Vorzüglichste' is not the meaning of היותר ראוי in this case, and this makes the entire translation erroneous. G. does not say that the intellect is the most excellent of the parts of the soul because it is regarded

¹⁷ Italics mine.

as immortal, whereas the other parts are not. He says that of all the parts of the soul the most fitting to be thought immortal (היותר ראוי שיחשב בו ההשארות) is the intellect, for the other parts are obviously mortal.

19. (L. 13, 2)

The word הכנה in the characterizations of the material intellect Kellermann renders (p. 19 *fin.* and *passim*) 'Entelechie'. He tells us (p. 305) that Steinschneider is his authority for this rendering, though he admits that 'Anlage' would be more correct. It is indeed very unfortunate that K. has adopted this term, which signifies the very opposite of the Hebrew word הכנה. Entelechy (ἐντελέχεια) in Aristotle is practically synonymous with ἐνέργεια = activity, actuality, perfection. The difference between them need not for the present concern us. δύναμις (= power, potentiality) is opposed to both, and is related to matter (ὑλη) as ἐνέργεια and ἐντελέχεια are related to form (μορφή, εἶδος). To be sure, there is a twofold ἐντελέχεια, a first and a second. And the first entelechy is related to the second somewhat as δύναμις is to ἐνέργεια. Thus the soul in a sleeping man is potentially what it is actually in the man awake. Hence Aristotle defines the soul as the *first entelechy* of a potentially living body, because the definition must include the sleeping as well as the waking person. But it is clear that ἐντελέχεια is always on the side of actuality and perfection as contrasted with potentiality and lack of realization.

Now when we speak of the 'material intellect' in man, we are not viewing it with reference to its relation to the body. From that point of view it is part of the soul, and as such an entelechy. We are here considering the *material* intellect (השכל ההיוולאני) in its relation to the *active intellect* (שכל הפועל), and from this point of view it is in the position of matter, it is potential, hence entelechy is a misnomer. Moreover, ἐντελέχεια is rendered in Hebrew by the word שלמות = perfection. הכנה means preparation, readiness, disposition, and corresponds to δύναμις, which is the opposite of ἐντελέχεια. (See Trendelenburg, *De Anima*, p. 295 ff.)

20. (L. 13, 11)

כל אדם מרבר.

K. (20, 13) translates, 'Jeder Mensch *spricht*'. מרבר here means 'rational'. It corresponds to the Greek λογικόν.

21. (L. 13, 26)

לפי שארסטוטלס קרא אותו שכל היולאני, וזה ממה שיורה, כי
ארסטוטלס יראה שזאת ההכנה אינה בשכל נבדל, אבל לה דבר ילך
ממנה מדרגה (מדרגת) ההיולי.

(K. 21, 3)

... weil ihn (sc. den menschlichen Intellekt) auch Aristoteles *hylischen* Intellekt nennt; dies beweist, dass nach des Aristoteles Meinung die Entelechie nicht im separaten Intellekt ist (sc. wohl aber im Träger), dass aber eine *hylische Stufe von ihr ausgeht*.¹⁸

The italicized words are incorrect. The phrase ילך ממנה ההיולי is an Arabism, which K. seems not to have understood. It means, 'stands to it in the relation of matter'. The overlined words in the Hebrew, אבל . . . ההיולי, signify 'There is something which stands to it (viz. the disposition (הכנה)), in the relation of matter'. The Arabic idiom referred to is نزل من شيء منزلة Thus Averroes in his compendium of metaphysics (ed. Cairo, p. 4, l. 20) has والمقالة الثانية نذكر فيها الامور التي تنزل من الجزؤ الاول من هذه الصناعة منزلة الانواع. This is rendered by Moses Ibn Tibbon¹⁹ המאמר השני נזכר בו הענינים אשר ילכו מן החלק הראשון מן המלאכה הזאת דרך המינים. The meaning evidently is this: 'In the second book we shall treat of those things which stand in the relation of species to the (topics treated in the) first part of this discipline.'

22. (L. 14, 10)

הצורה אשר הוא בה מה שהוא.

(K. 21, 36)

Die Form irgend eines bestimmten Dinges.

¹⁸ Italics mine.¹⁹ MS. copy in my possession.

The correct translation is, 'The form by virtue of which he (sc. man, as is clear from the context) is what he is'. Further discussion of this point is not necessary for any one who is familiar with Aristotelian ideas and the philosophical phraseology of the mediaeval Jewish writers.

23. (L. 14, 13)

ואולם כאשר הונחה זאת הצורה נבדלת בלתי הוה ולא נפסד כמו
שיראה המסטיים, הנה יחויב מזה בטול חוק, בהיות האדם והפסדו
אין המלט ממנו בשום פנים.

(K. 22, 3)

Wenn jedoch — wie Themistius annimmt — die Form eine separate sein soll, ohne Entstehen und Vergehen, so ergibt sich hieraus insofern eine grosse Absurdität, *als der Mensch unbedingt vergehen muss*.²⁰

Here K.'s mistake is perhaps not to be blamed. He did his best to translate his text intelligibly. But the reader will notice that the italicized passage is not a *literal* translation of the original, overlined above. The literal translation would read, 'Since man and his dissolution can in no manner be gotten away from'. And this is not what the argument requires G. to say. He should have said, 'Since man's *generation and dissolution* can in no manner be gotten away from'. K., it will be seen, concealed the difficulty by a free translation which, while it does away with 'man' as something to be escaped, still desiderates 'generation'.

The truth is that the text requires a slight and obvious emendation. בהיות should read בהיות, and there should be no punctuation mark after חוק, but rather after והפסדו. The phrase אין המלט ממנו בשום פנים refers to בטול. We shall therefore rewrite the last part of the original as follows: הנה יחויב מזה. בטול חוק בהיות האדם והפסדו, אין המלט ממנו בשום פנים. And the translation is, 'There would follow from this a great absurdity regarding man's generation⁴ and dissolution, which (sc. the absurdity) cannot be escaped in any manner'.

²⁰ Italics mine.

24. (L. 15, 1)

... דבקות הצורה הנבדלת לחמר יובן על שני פנים, אם דבקות אינו בעצמו, כמו דבקות השכל הפועל לשכבת הזרע ולזרעים שאינו באופן שיחיה הוא להם צורה קרובה, ואם דבקות בעצמו, כמו דבקות השכלים הנפרדים לגרמים השמימיים שהם בעצמם צורה קרובה להם, וכמו דבקות זה השכל ההיולאני בנו לפי דעת תמסטיוס שהוא צורה קרובה לנו.

(K. 23, 9)

... die Verbindung der separaten Form mit der Materie auf zwei Weisen verstanden werden kann. Entweder ist die Verbindung nicht substantiell—wie die Verbindung des aktiven Intellekts mit dem Samenerguss und den *Spermatozoen*,²¹ die ja nicht derartig ist, dass er *eine ihnen verwandte Form annimmt*,²¹ oder die Verbindung ist substantiell—wie die Verbindung der separaten Intellekte mit den Himmelskörpern, *denn jene besitzen in ihrer substantiellen Verbindung eine diesen verwandte Form*²¹—entsprechend der nach Ansicht des Themistius sich vollziehenden Verbindung zwischen uns und dem hylichen Intellekt, der ja *eine uns verwandte Form annimmt*.²¹

The italicized passages are in every case incorrect. לזרעים means simply plant seeds, not 'Spermatozoen'. צורה קרובה means 'proximate form', not 'verwandte Form'. A proximate form is one which is the immediate cause of the genesis of a given object, or rather it is the form which is immediately united with a given matter to constitute a given object. This is illustrated by G.'s own examples. The 'separate Intelligences' are the immediate forms of the heavenly bodies or spheres, which are their bodies and which they move, as the human soul is the form of the human body and moves it. The material intellect similarly, according to Themistius, is the immediate intellectual form of man. Such union G. calls *essential* (דבקות בעצמו = καθ' αἷρό). Proximate form may be contrasted with 'remote form' (צורה רחוקה). This would be one which is the cause, directly or indirectly, of a proximate form, but is not identical with it. Thus, to use again

²¹ Italics mine.

G.'s own illustration, the Active Intellect is a form which causes or produces the form of semen or seed, but is not identical with it. Such relation G. calls *non-essential* union (רִבְקוֹת אֵינוֹ בְּעֶצְמוֹ).

I will not take the time to do more than indicate the lack of precision in K.'s rendering of the last clause beginning וכמו רבקות ובכמו רבקות זה השכל ההיולאני בנו, which is simply another illustration of essential union.

25. (L. 15, 10)

אבל נרצה, כשנקרא זאת²² הצורה נבדלת, שלא תהיה פעולתה בכלי
נפשי כמו הענין בצורות ההיולאניות . . .

(K. 23, 27)

Wir aber meinen: Wenn wir *die*²³ Form eine separate nennen, so darf sich ihre Tätigkeit nicht mittels körperlicher Organe entfalten, wie dies bei den hylischen Formen der Fall ist.

The manner of introduction in this sentence—'Wir aber meinen'—and particularly the rendering of זאת by 'die' destroys, it seems to me, the meaning of G.'s statement, and especially its connexion with the argument. G. does not say, as would appear from K.'s translation, that *his own opinion* is that when we call a form 'separate', we mean that its activity is not developed by means of corporeal organs. He is not giving his own opinion at all, and is not referring to the meaning of form in general. He is interpreting the sense in which the word 'separate' is used by Themistius when he speaks of the material intellect as a 'separate form', pointing out that it is not used in the same sense as when we speak of the active intellect as a separate form. The connexion of this statement with the argument is as follows:

G., in accordance with his method, has been defending tentatively the opinion of Alexander of Aphrodisias concerning the nature of the material intellect in man, and *ipso facto* opposing the opinion of Themistius. His argument was—to give only the substance of it briefly—that if we adopt Themistius's view that the material intellect is a 'separate form not subject to generation

²² Overlining mine.

²³ Italics mine.

and destruction', the absurd conclusion would follow that all matters subject to generation and destruction are endowed with human intellect. He then considers for a moment a possible defence of Themistius on the ground that the absurdity just mentioned would not necessarily follow from Themistius's view, any more than from the unanimous view that the *Active Intellect* is a separate form, not subject to generation and decay. His answer to this attempted defence of Themistius is that there is no similarity between the *non-essential* relation of the Active Intellect with the human seed and the *essential* union of the material intellect with man, required by Themistius. And if you object that in this case Themistius has no right to call the material intellect 'separate', I answer, says G., that he has, for in calling *this* form (זאת הצורה), i.e. the material intellect, separate, he means simply that it does not carry on its activity by means of corporeal organs, as the material forms do.

I do not know whether K. meant to indicate all this in his translation, and 'die' is merely a slip or misprint for 'diese', but I can judge only from what is before me, and that seems to me to conceal the drift of the argument rather than to bring it into evidence.

26. (L. 15, 24)

ועוד שכבר יראה כי מהמיוחדות שבסגולות הצורות ההיולאניות, במה שהם היולאניות, נמצאות בואת הצורה ר"ל השכל ההיולאני. וזה שכבר יראה בצורות ההיולאניות, במה שהם היולאניות, שחדושם במה שימצאו בו נמשך לשנוי בעצמות, ושהם מתרבות ברבוי הנושאים. והנה יראה כן בואת הצורה שחדושה נמשך לשנוי החמר אשר תמצא בו, כי הוא יוכן תחלה לקבל כח ההונה והחוש קודם שתראה בו זאת הצורה, והיא גם כן מתרבה ברבוי הנושאים עד שצורת ראובן, דרך משל, היא זולת צורת שמעון במספר.

(K. 24, 16)

Ferner zeigt sich doch, dass dann ganz bestimmte, spezifische *hylische Formen*, soweit sie überhaupt *hylischen Charakter haben*, in dieser Form, d.h. im *hylischen Intellekt*, enthalten sind.²⁴ Zeigt

²⁴ Italics mine.

sich doch bei den hylischen Formen, soweit sie überhaupt hylisch sind, dass ihre Entstehung am Orte ihrer Existenz *mit der Veränderung (sc. des Ortes) substantiell zusammenhängt, so dass auch sie*²⁵ kraft der Pluralität der Träger zur Vielheit werden. *So ergibt sich also* bei dieser Form, dass ihre Entstehung mit der *Veränderlichkeit*²⁵ der Materie zusammenhängt, in der sie existiert, denn sie (sc. die Materie) ist *vorerst nur so lange vorbereitet, die Possibilität der Ernährung und der Sinnlichkeit anzunehmen, als in ihr die Form noch nicht zur Erscheinung kommt.*²⁵ *Sie aber* (sc. die Form) *vermehrt sich gleichfalls*²⁵ mit der Vervielfältigung der Träger, *bis*²⁵ beispielsweise die Form des Ruben numerisch eine andere als die des Simon ist.

Here also K.'s translation, especially in the passages italicized, is either absolutely incorrect or misleading. In either case it tends to make G.'s argument unintelligible or obscure. Without troubling to enter into the causes or effects of K.'s errors, I shall try to correct them. The meaning of the first sentence of the original quoted above is as follows :

‘Besides, it appears that some of the peculiar properties pertaining to material forms *qua* material are found in this form, viz. the material intellect.’

G. is trying to prove that Themistius's view of the material intellect as a *separate* form is incorrect, by showing that the material intellect has properties in common with material forms, and hence is itself a material form, and not separate. In the sequel he proceeds to show that this is the case. And he instances two properties peculiar to material forms as such (צורות היולאניות), which are also found in the material intellect. They are (1) that a change in the bearer of the material form is a necessary pre-requisite before the material form in question appears ; and (2) that the form multiplies with the multiplication of the subject. Accordingly we translate the following sentences as follows :

‘For it is a property of material forms as such (1) that their first appearance in the bearer in which they exist follows essentially

²⁵ Italics mine.

upon (i.e. cannot take place without) a change, (2) that they multiply with the multiplication of the subject.'

He then proceeds to show that these two properties are found in the material intellect, and we translate the rest as follows:

'And it appears in reference to this form also that its first appearance follows upon (i.e. cannot take place without) a change in the matter in which it exists. For before this form (i.e. the material intellect) can appear in it (sc. the matter), the latter must first be prepared to receive the powers of nutrition and of sensation. [This proves the first property.] But it also multiplies with the multiplication of the subjects. Thus, the form of Reuben, for example, is numerically distinct from the form of Simeon . . .'

27. (L. 16, 2)

אלא אם יהיו מתחלפים במין.

K. (25, 7) translates מין by 'Genus'. This is, strictly speaking, incorrect. מין and סוג are technical terms in logic. מין = εἶδος = species; סוג = γένος = genus, and it is best to render them precisely in every case.

28. (L. 16, 11)

ומהם, שכבר יראה בכחות המשיגות ההיולאניות שלא ישיגו רבוי תכלית בעל תכלית, לפי שהם יקבלו מה שיקבלוהו קבול פרטי מצד קבלם אותו קבול היולאני והמשל, שהכח הנראה כבר ישיג זה הצבע אשר בזה הנראה אשר הוא בזה השטח ובוה התמונה אשר לזה הנראה, לפי שהוא מקבל אותו קבול היולאני באופן מה, ר"ל שכבר נרשמה בראותו זאת ההשגה רישם מה, והיה מחויב מפני זה שיהיה הנראה לו בשטח מקבל (מוגבל r.) ובתמונה מוגבלת ולא ישיג הצבע במוחלט, אבל ישיג זה הצבע, ואולם זאת ההכנה נמצאת אופטת משפט תכלית, כי היא תשיג הנורות הכוללות והנדרים אשר כל אחד מהם הוא משפט על רבוי תכלית בעל תכלית.

(K. 25, 22)

Zweitens. Es ergibt sich doch bei den wahrnehmenden hyllischen Kräften, dass sie eine unendliche Vielheit nicht perzipieren können, weil sie doch in ihrer Perzeption insofern *singulär* verfahren als sie nur eine *hyllische* Aufnahme haben.

Zum Beispiel: Die Sehfähigkeit perzipiert *diese* Farbe an *diesem* Sichtbaren auf *dieser* Fläche an *dieser* Gestalt *dieses* Sichtbaren weil sie es in bestimmter Art nur *hylisch* perzipiert, ich meine nämlich, dass doch in seinem (sc. des hyl. Intell.) Sehen die Perzeption irgendwie determiniert ist, weshalb das ihm Sichtbare auf einer bestimmten Fläche und an einer bestimmten Gestalt sein muss, sodass er nicht die absolute Farbe, sondern nur *diese* Farbe wahrnimmt. Die Entelechie jedoch fällt nur *unendliche* Urteile, denn sie nimmt die allgemeinen Urteile und jene Definitionen wahr, deren jede einzelne ein *unendliches* Urteil ist.

The sentence beginning 'ich meine nämlich' is incorrect and brings confusion into the entire discussion. G. is so far speaking of the so-called 'material powers of perception' (כחות המשיגות (ההוֹלָאוֹנוּת), which he distinguishes from the material intellect, in order to prove the latter 'separate'. The distinction is that the material powers of perception, like the power of sight, for example, cannot perceive the infinite because their perception has for its object the particular, hence it sees one thing at a time; whereas the material intellect (he calls it here ההכנה) deals with the universal, which embraces an infinite number of individuals. It is clear, therefore, that all which precedes the sentence beginning זאת ההכנה ואולם refers to the material power of sight (כח הרוֹאוֹה), and not the material intellect. The first correction to be made, therefore, in K.'s translation of the sentence in question is to change 'seinem' into 'ihrem', 'sc. des hyl. Intell.' into 'sc. der Sehkraft', 'ihm' into 'ihr', and 'er' into 'sie'. But there is another error in K.'s rendering of the words שכבר נרשמה מה בראותו זאת ההשנה רישם. The words corresponding to them in his translation are, 'dass doch in seinem . . . Sehen die Perzeption irgendwie determiniert ist'. This is not the meaning of the words in question. רישם signifies to make an impression, a mark; and the expression in question is intended to explain the preceding statement, that the power of sight receives its object in a material manner (לפי שהוא מקבל אותו קבול הוֹלָאוֹנִי). What I mean is, G. says, that when the power of sight sees, this perception (זאת ההשנה) is actually *impressed* upon the sense faculty

(נרשמה רושם מה); i.e. a material impress is made upon the sensorium. This is made quite clear by a similar statement of G. on p. 23, l. 30. וזה כי זה אמנם היה בשאר הכחות המשיגות החיולאניות מפני שהם ישיגו מה שישנו באמצעות הכלי הנופי הנושא להם, וזה הנושא יתפעל הפעלות מה בהרשם בו דמיון הדבר המושג.

Here G. tells us plainly that the material powers of perception other than the material intellect perceive their objects by means of a corporeal organ in which these powers reside; and that this corporeal organ is affected in a certain way because an *impression is made upon it, which resembles the object of perception* (the copy theory of perception).

29. (L. 17, 1) = (K. 26, 29)

מין is translated 'Genus'. See No. 27.

30. (L. 18, 6)

מהם, שכבר יחויב לתמססיום שתהיה בכאן הכנה בעצם נבדל, ר"ל ההכנה לקבל המושכלות. וזה מבואר הבטול, לפי שהכנה הוא נמשך להיולי . . .

(K. 28, 29)

Erstens. Es ergab sich doch für Themistius dass es *bei den Sublunarien eine substantiell separate Entelechie gibt*,²⁶ ich meine nämlich die *Entelechie*²⁶ für die Aufnahme der Intelligibilia. Dies ist aber erwiesenermassen absurd, weil die Potentialität mit dem Hylischen zusammenhängt und in ihm allein existiert.

There are several errors here. בכאן in G. does sometimes refer to sublunar things specifically, but not here. In the present instance 'sublunarity' is irrelevant, and בכאן simply denotes existence, like the English expletive 'there' in the phrase 'there is', and the Arabic هنا = Hebrew נֶשֶׁם .

Then again the expression הכנה בכאן הכנה בעצם נבדל is not rendered correctly by K. What G. says is that according to Themistius it would follow that a potentiality or a possibility (הכנה) may reside in a separate substance (בעצם נבדל), i.e. the

²⁶ Italics mine.

possibility of receiving *intelligibilia* may reside in the material intellect which, according to Themistius, is a separate substance. This, he proves, is impossible, for a power or potentiality (כח) necessarily presupposes a *material* substratum (הכח הוא נמשך) (להיולי בהכרח); whereas the material intellect according to Themistius is a separate substance, hence a 'formal' and not a 'material' substratum. We see here at the same time how unfortunate it is that K. renders הכנה by 'Entelechie'. It means the very opposite—potentiality = *δύναμις*. G. himself identifies it here with כח. See No. 19.

31. (L. 18, 13)

ואולם לכן רשד לא יחויב זה הבטול, לפי שהוא יניח שזה אמנם
קרה לזאת הצורה, ר"ל שתהיה [הכנה],²⁷ מצד דבקותה בנו, לא שיתכן
בע מה בנו.

(K. 29, 7)

Jedoch nach Averroes ergibt sich keine derartige Absurdität, weil er annimmt, *dass dies*²⁸ (sc. die Aufnahme der Intelligibilia) *dieser Form wirklich zukomme, dass sie nämlich insofern eine Entelechie sei, als sie mit uns verbunden ist*,²⁸ nicht aber, dass sie es an und für sich sei.

K.'s translation in the italicized passages somewhat obscures G.'s meaning. The argument is a continuation of that discussed in the last number (30). The point is that Themistius's view of the nature of the material intellect cannot be true, for it leads to the impossible situation of a potentiality residing in a separate substance. A separate substance must be pure actuality, and whatever is potential must have a material substratum. But then the question arises, Does not this difficulty affect Averroes's view just as much as that of Themistius? For Averroes identifies the material intellect in man with the universal Active Intellect, which is according to all accounts a separate substance. G.'s answer is, No, Averroes is not affected by this difficulty. For his idea is that the potential character attaches to the Intellect *per*

²⁷ See Kellermann, p. 29, note 1.

²⁸ Italics mine.

accidens, in so far as it is temporarily associated with the individual man, but not *per se*. *Per accidens* a potentiality may reside in a form, as G. said before, l. 9, וכשתמצא אותו בצורות הוא. K.'s rendering, therefore, 'dass dies . . . dieser Form *wirklich zukomme*', makes G. say the very opposite of what he intends to say, and is contradicted by the sequel. The correct translation of the words לפי שהוא יניח שזה אמנם קרה לזאת הצורה, בעצמה כן ר"ל שתהיה הכנה, מצד דבקותה בנו, לא שתהיה²⁹ follows:

'[The difficulty does not affect Averroes] because his theory is that this circumstance (שזה), namely that the Intellect has a potentiality (ר"ל שתהיה הכנה), attaches to this form (the Intellect) *per accidens* (קרה), in so far as it is associated with us, and not in so far as its own substance is concerned.' The words ר"ל שתהיה הכנה are explanatory of שזה, and hence K.'s parenthesis is unnecessary and misleading.

32. (L. 18, 19) = (K. 29, 18)

ספר השמים והעולם is not *περὶ κόσμου* but *περὶ οὐρανοῦ*. Cf. Steinschneider, 'Die Hebräischen Uebersetzungen', p. 125, § 55^{29a}.

33. (L. 19, ch. 3 beg.)

ואחר שזכרנו הטענות אשר זכרום הקודמים או היו בכח דבריהם באופן מה שאפשר בהם שיהיו מקיימות דעת דעת מאלו הדעות והם בעצמם מבטלות דעת דעת כמו שזכרנו' הנה היה סדר העיון נותן שנעיין בטענות האלו ונברור מהם מה שיקיים או שיבטל קיום אמתי או בטול אמתי ממה שלא יקיים או יבטל קיום אמתי או בטול אמתי. אלא שאין דרך לנו לאמת באחת מהטענות האלו שיקויים בה דעת מה מאלו הדעות קיום אמתי. וזה שאם היה זה אפשר, הנה יהיה זה אם מצד שהטענה ההיא מקיימת הדעת ההוא, אם מצד שהיא מבטלת הדעת שהוא מקבילו. ואולם שנבאר זה מצד שהיא מבטלת בטול אמתי הדעת שהוא מקבילו הוא בלתי אפשרי. וזה שהוא מבואר במה שיבוטל בו דעת מה בטול מה שלא יקויים בו הדעת אשר הוא מקבילו קיום אמתי אלא אם היו שתי

²⁹ See Kellermann, p. 29, note 2.

^{29a} When this was written I overlooked K.'s own correction of *κόσμου* to *οὐρανοῦ* in his list of *errata* at the end of the book, p. 303, l. 22.

הדעות כל חלקי הסותר אשר אפשר שיפלו בזאת החקירה. אבל בזולת זה הוא מבואר שכאשר יבוטל אחד מהם לא יקויים אחד מהדעות הנשארות, כל שכן שלא יקויים בו דעת מיוחד מהם.

(K. 30, ch. 3 beg.)

Nachdem wir nun die Argumente, welche die Alten anführen, oder welche doch in ihren Worten beschlossen liegen, derartig zu Worte kommen liessen, dass sie einzelne dieser Ansichten bestätigen, während sie gleichzeitig einzelne dieser Ansichten ablehnen, wie wir dies erwähnten, so würde es nun der Gang der Spekulation mit sich bringen, dass wir diese Argumente untersuchen, und aus ihnen jene auswählen, die eine wirkliche Bestätigung oder wirkliche Ablehnung bilden, im Gegensatz zu jenen, die keine wirkliche Bestätigung bezw. Ablehnung bilden. Indessen mangelt es uns an der Methode, um durch eines der Argumente, welches irgend eine der Ansichten bestätigt, eine wirkliche Bestätigung zu erreichen. Wenn dies nämlich möglich wäre, so könnte dies nur so geschehen, dass entweder jenes Argument die eine Ansicht bestätigt, oder die ihr entgegenstehende ablehnt. Jedoch müssen wir darauf hinweisen, *dass eine völlige Ablehnung der ihr entgegengesetzten Ansicht nicht möglich ist*. Es ist nämlich erwiesen, dass durch die völlige Ablehnung einer Ansicht die Bestätigung der ihr entgegengesetzten nur dann möglich ist, *wenn die beiden Ansichten in all ihren möglichen einander kontradizierenden Teilen in den Bereich unserer Untersuchung fallen*; ³⁰ im anderen Falle ist erwiesen, dass durch die Beseitigung der einen Ansicht die übrigen nicht bestätigt sind, noch weniger, dass eine *bestimmte* Ansicht von ihnen bestätigt wäre.

The reader will see that by K.'s mistranslation of the passages which I italicized, he destroyed G.'s argument and made him talk incoherently. We cannot fully refute, he makes G. say, an opposed opinion, because by such complete refutation we cannot prove our own unless both opinions in all their possible contradictory parts fall within the domain of our investigation !

³⁰ Italics mine.

Granting that the reason given ('because, &c.') makes sense, which it does not, what has it to do with the first part of the sentence? The fact that the refutation of an opinion opposed to a given one cannot prove the latter except under certain conditions, does not show that the refutation itself is impossible. And then what *are* the conditions? You cannot prove an opinion, G. is made to say, by refuting its opposite unless both opinions fall within the domain of our investigation! Whoever heard of two contradictory opinions *not* belonging to the same investigation! If one says *a* is *b* and the other says *a* is not *b*, how can these two help 'falling within the domain of a given investigation' in which they arise? Either both opinions fall within our investigation or neither. And in either case what has this to do with the proof of an opinion by the refutation of its opposite? Absolutely nothing. If the two contradictory opinions do not fall within our investigation, we are not concerned with them. But they belong somewhere, to some investigation, and there the refutation of a given opinion does or does not prove its opposite. To concoct such a paragraph is bad enough, but to lay such incoherence at the door of Gersonides, the keenest of logicians, is nothing short of unpardonable. At least K. might have added a note saying that though the passage made no sense, he could not translate it in any other way and suspects a corruption in the text.

Will the reader after all this be surprised when he is told that G.'s statement is perfectly plain and straightforward and makes excellent sense? What G. says is this. We have had, so far, arguments *pro* and *con* on both sides of the question. Our problem now is to find out which of these arguments are valid, really proving or really disproving the thesis with which they deal. Now if a given argument is to prove a given thesis, it must do so in one of two ways, directly, by proving the thesis it defends, or indirectly, by refuting its opposite. The indirect method will lead to conclusive proof only in case the two theses in their opposition exhaust the possibilities in the case. Otherwise by refuting one possibility you have not yet proved the second, for there may be a third.

Now we shall translate the two passages in G. which caused the trouble.

ואולם שנבאר זה מצד שהיא מבטלת בטול אמתי הדעת שהוא מקבילו
הוא בלתי אפשרי. וזה שהוא מבואר במה שיבוטל בו דעת מה בטול
מה שלא יקויים בו הדעת אשר הוא מקבילו קיום אמתי אלא אם היו שתי
הדעות כל חלקי הסותר אשר אפשר שיפלו בזאת החקירה.

'To prove a given thesis by an argument that fully refutes the opposing thesis is impossible. For it is clear that by refuting a given thesis in a certain way the opposing thesis is not completely proved unless the two theses constitute all the contradictory alternatives possible in a given investigation.'

34. (L. 20, 11)

כמו הענין בחוש הטעם כשהיה בעל טעם. שאם היה שיהיה משיג
המוטעמים, הנה הוא משיג אותם על זולת מה שהם עליו מהטעם.

(K. 32. 8)

... wie dies bei dem Geschmackssinne der Fall ist, wenn er einen Geschmack empfindet; denn wenn er dann die schmeckbaren Dinge aufnimmt, nimmt er sie anders auf, als sie in Wirklichkeit für ihn³¹ sind.

The words 'für ihn' evidently are intended to represent עליו in the phrase על זולת מה שהם עליו. But this is incorrect. עליו does not refer to the sense of taste and cannot mean 'for it'. Besides, such a translation does not suit the context. For when the organ of taste is affected with a given taste and then tastes other things, it does not perceive their tastes as they really are, but it does precisely perceive them as they are *for it*.

The truth of the matter is that the pronominal suffix in עליו refers to מה, and the phrase is an Arabism. Thus Averroes in his *Compendium of Metaphysics* (ed. Cairo, p. 5, l. 17) defines the various uses of the term موجود = مَوْجُود = *ens*. One of its uses is identical with the meaning of صادق.

وهو الذي في الذهن علي ما هو عليه خارج الذهن.

³¹ Italics mine.

The meaning is, that which is in the mind *just as it is* outside of the mind.

The Hebrew of Moses Ibn Tibbon³² reads **הוא אשר ימצא בשכל כפי מה שהוא עליו חוץ מן השכל**.

The negative of the phrase is also found in the same treatise, **ونسبة بعضها الى بعض على غير ما هي عليه في انفسها**, p. 29, l. 9.

The Hebrew of this (MS.) reads **ויחס קצתם אל קצת על זולת מה שהם עליו בנפשותינו**.

The translation is, 'The relation between them is different from what it is in their (Hebr. our) minds'.

Accordingly the similar phrase in Gersonides is to be translated, 'It perceives their taste in a manner different from what it actually is'.

35. (L. 20, 28)

ועוד שאם היה מהכרח זה ההרגש שיהיה זה החוש מתפעל תחלה מן האיכות אשר ישיג, הנה יהיה זה בלתי אפשר לו שירגישנה, כי הוא אמנם ישיגנו מפני השווי אשר בו, כמו שהתבאר בספר הנפש.

(K. 33, 2)

Und ferner: Wenn es zur Notwendigkeit dieser Empfindung gehörte, dass der Sinn zuerst (sc. vor der Empfindung) von den Qualitäten affiziert wird, die er begreift (sc. dass also die *Sinnesqualität* mit der *Gegenstandsqualität* identisch ist), so kann er überhaupt nichts empfinden, denn er empfindet nur wegen seiner *Gleichheit*³³ mit ihm (sc. an sich, ohne Affiziertheit durch den ihm gleichen Gegenstand), wie dies im Buche der Seele (II, 5, 11) erwiesen ist.

The passage in *De Anima* to which Gersonides refers is no doubt the one in bk. ii, ch. 11, p. 424 a 1 ff.:

Τὸ γὰρ αἰσθάνεσθαι πάσχειν τι ἐστίν. ὥστε τὸ ποιοῦν οἷον αὐτὸ ἐνεργεία, τοιοῦτον ἐκείνο ποιεῖ δυνάμει ὄν. διὸ τοῦ ὁμοίως θερμοῦ καὶ ψυχροῦ ἢ σκληροῦ καὶ μαλακοῦ οὐκ αἰσθανόμεθα, ἀλλὰ τῶν ὑπερβολῶν, ὡς τῆς αἰσθήσεως οἷον μεσότητός τινος οὐσης τῆς ἐν τοῖς αἰσθητοῖς ἐναντιώσεως. καὶ διὰ τοῦτο κρίνει τὰ αἰσθητά. τὸ γὰρ μέσον κριτικόν.

³² MS. copy in my possession.

³³ Italics mine.

From this we learn that Aristotle regards the sensorium as potentially containing the perception which the external stimulus has actually, and which it induces in the sensorium when perception becomes actual. But since the sensorium is equally able to perceive a quality and its opposite, it must be potentially both, actually neither. And that is why, says Aristotle, we do not perceive what is equally warm with the perceiving organ, or equally cold with it, or equally hard or soft. We can perceive only what exceeds in a given quality the degree of the perceiving organ. We may thus conceive of sensation, or rather of the sensorium, as a *something intermediate* between the sensible opposites.

We may also quote the concluding lines of ch. 5 of the same book, p. 418 a 3 ff., τὸ δ' αἰσθητικὸν δυνάμει ἐστὶν οἷον τὸ αἰσθητὸν ἤδη ἐντελεχεία, καθάπερ εἴρηται. πάσχει μὲν οὖν οὐχ ὁμοίον ὄν, πεπονθὸς δ' ὁμοίωται καὶ ἔστιν οἷον ἐκείνο.

Summing up the previous discussion, he says, the sensorium is potentially what the perceptible object is actually. The sentient organ is affected by the object in so far as it is not like it, but after it has been affected it becomes like it.

We now understand what G. means in the passage under discussion. He is trying to show that the sense of touch is not affected by the heat or cold of the object before it perceives it, for if that were the case it would not then be able to perceive it. It is the *equality* in the sensorium (i.e. its indifference to the two opposites, or its equilibrium between them, or its intermediate character, the Aristotelian *μεσότης*) which enables it to perceive the sensible object. Hence if it were first affected with the quality of the object, it would not be able to perceive it.

It was necessary to go into this lengthy discussion in order to show that K.'s translation of שווי, 'Gleichheit mit ihm' ('denn er empfindet nur wegen seiner Gleichheit mit ihm') cannot be correct because Aristotle, to whom G. refers, says the very opposite (πάσχει μὲν οὖν οὐχ ὁμοίον ὄν). And moreover, it would not suit G.'s argument, for in that case it would really follow that the sensorium is affected first and perceives afterwards—the very opposite conclusion to the one G. desires to reach. To be sure,

K., aware of this difficulty, endeavours to avoid it by a qualification in parentheses, 'sc. an sich, ohne Affiziertheit durch den ihm gleichen Gegenstand'. But this is altogether unsatisfactory. For in the first place, העקר חסר מן הכפר. The qualification is the essential part of the argument, and G. could not have left that to the reader's imagination. Secondly, what does 'Gleichheit mit ihm an sich' mean? Equality *per se* of the sensorium with the object? This is exactly what it is not. Potentially it is both like and unlike, since it is both cold and hot, actually it is decidedly unlike. It becomes actually like only when it has been affected, and then it can no longer perceive a quality of the same degree.

The right solution is clearly the one suggested above, namely that שווי represents the Aristotelian *μεσότης*, and means 'equilibrium', 'indifference', 'intermediate character', *equality* if you please, but in the sense of being equally situated with respect to the opposite qualities.

36. (L. 21, 4)

עד שהגיע הטבע להכנה תקבל הדברים קבול בלתי מעורב עם ההיולי.
והנושא לזאת ההכנה כלל, והיא זאת ההכנה, ר"ל השכל ההיולאני, כמו
שהתבאר מענינו במה שאין ספק בו.

(K. 33, 24)

... bis sich die Natur zur Entelechie hin realisiert, deren Aufnahme sich ja hylenlos vollzieht. Der Träger dieser Entelechie ist ein *Generelles*,³⁴ nämlich die in Rede stehende Entelechie, d. i. der hylische Intellekt, wie dies aus seinem Wesen zweifelsfrei erwiesen wurde.

The translation of K. is one that naturally suggests itself by the punctuation of L. But there are difficulties. First, if כלל is a predicate adjective qualifying והנושא and means universal, כולל or כללי would be the proper term. Secondly, G. does not hold that the material intellect is a universal any more than the *intelligibilia* (מושכלות) which it acquires (see p. 62, 23 ff., where he argues against the universality of the *intelligibilia*). Thirdly, the whole statement is here irrelevant. The entire paragraph

³⁴ Italics mine.

is devoted to showing the gradations in the material or immaterial character of the perceptions received by the different faculties of man. He begins with the crudest of the senses, namely, the sense of touch, whose reception of its specific *qualia* is more or less material, i.e. the sensorium is itself affected by the *quale* it perceives. He then proceeds to the sense of sight, which is not itself coloured by the colour it perceives, though it is nevertheless affected materially in some way, as is shown by the fact that it may be so dazzled by a bright light that it cannot thereafter see an ordinary light. The common sense is still less material in its reception of its *qualia*, the imagination still less so, until finally we get to a faculty or disposition (הכנה) which receives its *qualia* without any material mixture whatsoever. This faculty is the one we are discussing, namely, the material intellect.

I should therefore delete the period after ההיולי in L. and translate as follows:

'... Until nature arrives at a faculty which receives things in a manner altogether (כלל) unmixed with matter and with the bearer of this faculty (cp. p. 20, 18, בשיאמר בואת ההכנה שהיא, cp. p. 20, 18, מקבלת המושכלות קבול בלתי מעורב עם נושא). This is this disposition, namely, the material intellect, as is clear from its nature without any doubt.'

37. (L. 21, 14)

והנה זכר אבן רשד הטענה בקצורו לספר הנפש בקצור, ואמר. טוען
על תמסטיס והנמשכים אליו כי מה שזה דרכו מהצורות הנה אין דרכו
שישלם בה בהויה גשם נפסד.

(K. 34, 9)

Averroes hat nun dieses Argument kurz in seinem Compendium zum Buche der Seele erwähnt, indem er den Einwand erhebt: *Was den Charakter der Formen betrifft, so besteht dieser nicht darin, dass sich bei ihrem Entstehen ein vergänglicher Körper vollendet.*³⁵

³⁵ Italics mine.

The italicized lines in the German do not reproduce the meaning of the Hebrew, and, moreover, they attribute a statement to Averroes which no Aristotelian could possibly make. As I understand the meaning of the German, it says, in effect, that a perishable body is not realized or perfected by the genesis of a form. This statement is directly opposed to the very essence of the Aristotelian doctrine of matter and form, and would nullify not merely Themistius's view of the material intellect, but also that of Alexander and Averroes himself. In fact the entire discussion would have its bottom knocked out. For according to Aristotle, as everybody knows, all forms in the sublunar world have just this function that through them perishable bodies are realized, actualized, perfected. To be sure, we cannot say that this realization is due to the *genesis* (Entstehen) of the form, for forms, according to Aristotle, have neither genesis nor dissolution any more than matter. But this is altogether irrelevant to the question at issue.

Averroes is represented as arguing against Themistius, who holds that the material intellect is a separate form not subject to genesis and destruction. And his argument is that a form *of this sort* (מה שזה דרכו מן הצורות) cannot be the means of perfecting a perishable body, not that no form can do so. The word בהויה is difficult. It cannot mean 'bei ihrem Entstehen'. For, in the first place, the reading would have to be בהויתה, and secondly, a form as such is not subject to הויה, as was said before. If the text is correct, the word belongs to נשם: a perishable body cannot in its genesis be perfected by such a form. We should expect indeed בהיותו. And hence I would suggest emending the text as follows: אין דרכו שישלם בה נשם הוה נפסד. A body subject to genesis and dissolution cannot be perfected by such a form.

38. (L. 22, 10)

לפי שהתעסקם בפעולתם ממה שימנע זה הבח מעשות פעולתו . . .

(K. 35, 26)

Denn ihre (sc. *der Entelechie*) Beschäftigung mit *deren*³⁶ (sc.

³⁶ Italics mine.

der Kräfte) Funktion hindert diese Kraft (sc. die Entelechie) daran, ihre eigene Funktion auszuüben . . .

As the Hebrew text shows (שהתעסקם בפעולתם), and as is clear from the context, 'ihre' is plural and refers not to 'Entelechie' but to 'die Kräfte', and the translation should read 'ihre Beschäftigung mit ihren Funktionen', both 'ihre' and 'ihren' referring to 'die Kräfte'.

39. (L. 22, 13)

ואולם מה שאפשר שיקיים בו תמססיום בזאת ההכנה שהיא נבדלת מפני השגחה הרבוי הבלתי בעל תכלית, הוא מבואר גם כן שלא יבוטל בו דעת אלכסנדר בטול אמת. וזה שאמנם יחויב בכחות המשיגות ההיולאניות ששיגו הפרטי מצד הטבע הנושא להם המקבל זאת ההשגה, כי הוא יקבלה בהכרח במשיגי המוחש אשר היה בו פרטי, לפי שאין מדרך הגשם שיקבל צורה רקה מקצת מקרים תהיה בהם פרטית.

(K. 35, 31)

Wenn jedoch des Themistius Ansicht von dem separaten Charakter der Entelechie dadurch bestätigt werden soll, dass sie eine unendliche Vielheit begreifen kann, so ist hiermit gleichfalls erwiesen, dass hierdurch Alexanders Ansicht keineswegs vollständig beseitigt wird. *Denn in Wahrheit müssen die perzipierenden hylischen Kräfte das Singuläre von seiten der Natur ihres Trägers begreifen, dem gerade dieses Begreifen eigentümlich ist, denn er vollzieht diese Perzeption unbedingt durch die Attribute des sinnlich Wahrgenommenen, durch welches er (sc. der Träger)³⁷ ein Singuläres wird; es ist nämlich nicht die Weise des Körpers, dass er eine Form ohne eine jener Akzidenzien perzipiert, durch welche sie (sc. die Form) ein Singuläres wird.*

The part of this translation which I italicized ('Denn . . . ist') suffers from the fact that the emphasis is not placed where it properly belongs. The point of the argument is that even though, according to Alexander, the material intellect is not a separate form but contained in some other part of the soul as its subject,

³⁷ Italics mine.

it does not necessarily follow that it must perceive the particular, like the senses, for example. For they, too, would perceive an infinite multiplicity like the intellect if it were not for their corporeal subject, the sense organ, which is the proper recipient of the perceptions. This point, it seems to me, K.'s translation does not bring out with sufficient clearness.

In the latter part, the words **אשר היה בו פרטי** refer not to the bearer (**הנושא**), as K. indicates ('durch welches er (sc. *der Träger*) ein Singuläres wird'), but to the sensible (**המזהש**). The meaning is, the bearer, namely, the sense organ, receives the sense percept together with the attributes of the sensible which make the latter particular. We are not concerned here with the particularity of the sense organ or sense faculty, but with that of its object, the sensible, and its content, the percept.

40. (L. 22, 22-33) = (K. 36, 11-32)

Without troubling to reproduce here the text and its translation, I shall limit myself to making the necessary corrections which are slight but indispensable for a right understanding. 'Bei ihrer Aufnahme der Form welche sie begreift' (20-21) should read 'Bei ihrer Aufnahme dieser Form wenn sie sie begreift', corresponding to the Hebrew **בקבולו זאת הצורה כשישכילה** (27-8). Similarly 'begreifen' (26) should read 'aufnehmen', representing the Hebrew **מקבלים** (30).

The argument refers back to L. 16, 21-6 = K. 26, 2-11. The point there made in favour of Themistius was this, that the material intellect cannot be a mere potentiality (**הכנה גמורה**), for in that case it would not be able to apprehend itself, since its function is to apprehend forms, and a mere potentiality is not a form. But this conclusion is untenable, for we should not then be able to explain the material intellect's apprehension of 'privation' (**העדר** = *στέρησις*), such as that *a* is not *b*, or that *a* is not, which are not forms. As it is we explain this power by saying that it is the result of the material intellect apprehending itself as free of forms (**רק מן הצורות**). But if it apprehends itself, it must be a form.

This argument is taken up in the passage under discussion. And before answering it, G. offers a counter-argument against Themistius. If, he says, the material intellect is a form, then when it thinks of itself, it *receives* the form it thinks, and (since the form is itself) it *receives* itself. This is absurd. A thing cannot *receive* itself. It is already there. If you reply to me that if this be so then nothing can think itself, and yet all admit that the separate Intelligences do apprehend themselves, my answer is that *receiving* and *apprehending* are two different things. No one says that the separate Intelligences *receive* themselves (אנחנו לא נניח בהם שיהיו מקבלים) (עצמם). To 'receive' means to acquire a thing which formerly you did not possess. When the separate Intelligences apprehend themselves, they do not acquire anything new. But with the material intellect it is different. Its sole function is, according to all accounts, to *receive* forms which it had not before, which forms actualize and perfect it (השכל ההיולאני יקבל הצורות בהשגילו אותם) (וישלם בהם). Hence it follows that if its capacity is a form, it acquires that too when it thinks it. But this is absurd, for a thing cannot acquire or receive itself. The *direct* answer to the argument in favour of Themistius, above referred to, will be treated in the next number.

41. (L. 22, 33—23, 14) = (K. 36, 32—37, 35)

Here K.'s translation is correct, though one does not see the meaning of the parenthetical remarks, 'sc. wie bei den anderen hyllischen Formen' (37. 2), or 'sc. wie bei dem separaten Intellekt' (*ibid.*, 34).

In this passage G. answers the argument in favour of Themistius given in the beginning of the preceding number. The answer is this. It does not follow from the fact that the material intellect apprehends 'privation' (cp. preceding number) that it perceives itself *per se*, and hence is a form. For every other perceiving power apprehends 'privation' without perceiving itself. Take the sense of sight. It perceives not only colour, but also the absence of colour, yet it does not perceive itself. In fact the two

are inseparable, the positive and the negative, possession and privation (= קנין and הערר, ἔξις and στέρησις). Whatever faculty perceives the former must necessarily perceive also the latter, except that it perceives the positive primarily and *per se*, the negative secondarily and *per accidens*. Similarly the material intellect apprehends forms *per se*, and hence perceives the privation of form *per accidens*, and hence itself too *per accidens* as a privation, but not a form. This solution is not liable to the objection advanced against Themistius, viz. that the material intellect *receives* itself (cp. preceding number). For the material intellect, according to our view, does receive forms, but not their negations. The latter it perceives *per accidens*, and that is not the same as *receiving*. It perceives itself *per accidens*, but does not *receive* itself.

(To be continued.)

RECENT JEWISH LITERATURE

Sepher Maphtealē Shelomo (Book of the Key of Solomon). An exact facsimile of an original Book of Magic in Hebrew with illustrations. Now produced for the first time by HERMANN GOLLANCZ. Oxford: UNIVERSITY PRESS, 1914. pp. xxiii + 72 + 7 double pages of Hebrew text, 4to.

IN 1903 Prof. Hermann Gollancz published a brochure under the title *Clavicula Salomonis*, &c., Frankfurt a. M., in which he gave a description of a Hebrew manuscript in his possession dealing with magic and practical Kabbalah, and ascribed to no less a personage than King Solomon. The editing of the manuscript was then deferred for a later time. In the present volume Dr. Gollancz offers to the reader an exact facsimile of the entire manuscript, which with its numerous magical and kabbalistical diagrams and illustrations, fills 158 pages in quarto size. The bulky text so reproduced is preceded by a short introduction in which the editor summarizes briefly the conclusions at which he had arrived in the afore-mentioned brochure. 'In order to serve as examples of the contents of this work, and also as a guide in deciphering the Hebrew cursive script of an Italo-Spanish character, in which this copy is written,' he also gives transcripts in square Hebrew character of several passages (twenty in number) selected from various parts of the work, all of which, except the introductory passage, are accompanied by a literal English translation. On the title-page of the manuscript we read that the latter represents the first copy (העתק ראשון) of an old work which had been hidden in a cave in Babylonia (בארץ שנער), a favourite place for spurious Hebrew works; see e.g. the title-page of the work ראומה, Constantinople, 1566), and was brought to Holland by the desire of a prince in the entourage of 'Kaiser Carlos' (probably referring to Charles VI of Austria). The copy is dated Amsterdam,

1722 (י"ח ה'ת"ב). In view of this explicit statement, it may be remarked in passing, there was no need for the editor (Introduction, p. v) to search for internal evidence in order to prove that we have before us a copy from an older manuscript.

The work is a compilation of the superstitions rampant at all times, in all countries, among people of different creeds and nationalities. There is no trace of any attempt on the part of the compiler or compilers to differentiate between Hindoo, Arabic, Greek, or any other elements. It is a mosaic of international nonsense made Jewish by the Hebrew language, in which it is garbed, and by a strong admixture of kabbalistical material taken from the *Book Raziel*, and similar sources. Hosts of angels and seraphim with the most fantastic names and titles, gins and devils, and all sorts of evil-doers in heaven and hell, running easily into the thousands, fill the pages of this curious hand-book of occultism and sorcery. Fervent prayers and incantations, magical formulae and prescriptions for the sure performance of miracles, specifics for various maladies accompanied by magic circles and curious illustrations, conjurations of demons and angels, who are to be forced into our service—all this surges indiscriminately upon our mind, claiming recognition as a perfectly safe and legitimate means for our overruling the destinies of earthly life and setting aside the laws of nature. We are taught how to secure the love of a woman, how to discover a thief, how to fly through the air on a cloud, how to make ourselves invisible, how to make a light burn in the midst of water, how to escape from prison, and a great variety of other performances of no less importance. In numerous instances we are assured by the writer that the recipes here given have been tried either by himself or by others, and were found to be absolutely reliable. On fol. 25 b we are told in the name of בלינוס (i. e. Apollonius of Tyana; comp. Steinschneider, *Pseudepigraphische Literatur*, p. 32; *Hebräische Uebersetzungen*, p. 845, n. 6) that a certain experiment purporting to stop slander has been tried on Saracens and Jews (השרציני והיהודים) and proved successful!

The editor, who is known as an author of several works on

scholarly subjects, promises a complete translation of the text into English (Introduction, p. iv). Whether this work deserves a translation or not, I leave to the judgement of those interested in magic and occult sciences to decide. The folk-lorist and the antiquarian, whose interest the editor invites, may find therein some material which will prove useful in their studies of kindred literature. Moreover, as the compiler has made use of other branches of knowledge, such as astronomy and astrology, medicine and physiognomy, &c., an English translation may recommend itself also from a general point of view. However, the examples of deciphering and translation Dr. Gollancz has given in his Introduction do not encourage one to believe that he is sufficiently prepared to carry out properly such an undertaking. Although he has occupied himself considerably with the study of the manuscript, he often fails to read it correctly, and, naturally, wherever the text is misread it is also mistranslated. Here are some examples: Fol. 1 b, Prayer 2, the text reads **אלהי עולם אשר לפניו כל הנראים והבלתי נראים**, God of the Universe, before whom are all the visible and invisible beings. Dr. Gollancz (p. vi, line 1) reads **הנבראים והבלתי נבראים** and translates 'before whom are all the created ones and the uncreated'. Two lines further the text reads: **הביטה נא היום אל עבדך הנרכה עם רוחו ונזיתו תחת רגלך. למען רוח קדשך חנני והקימני לראות בהדרך**, look, I beseech Thee, this day unto Thy servant, who is crushed in spirit and body under Thy feet; for the sake of Thy holy spirit be gracious unto me and preserve me that I may behold Thy Majesty. Dr. Gollancz reads **הביננו** (*sic*) for **הביטה**, and, construing the sentences in a wrong way, translates against all sense: 'Endow *me*, Thy servant, this day with understanding, lowly pressed as I am both in body and spirit beneath Thy feet, for the sake of Thy Holy Spirit. Be gracious unto me,' &c.! Fol. 2 a, line 1, the word **הביטה** is again misread as **הביננה** (*sic*) and translated (p. vii, Prayer 6) 'make *us* understand'. Fol. 3 a, line 15, the manuscript has **תתענה ג' ימים**, *fast* three days. The editor reads (p. viii) **תתמנה**, and translates 'count three days', a meaning which, by the way, the form **תתמנה** never has.

As the editor's mistranslations in these instances are due

chiefly to his mistakes in deciphering the manuscript, they might eventually be overlooked, but Dr. Gollancz often misunderstands the text in a surprising manner even when he has the correct reading. Thus the passage (p. vi) *הן נא ברכתך היום על כל מעשי* is translated, 'grant unto my actions this day Thy blessing *and the confirmation of Thy watchfulness*' (the italics are mine). The latter phrase in this translation is, of course, senseless, but *קיום* is a synonym to *מעשה*, and the author means to say, 'grant Thy blessing unto my actions and my *performance of Thy commands*'. Prayer 5 (p. vii) reads: *אב המרחם ובוהן לבבות אשר בשמים וארץ ים ותהומות וכל אשר בהם רצית* 'Compassionate Father, who triest the hearts, who takest delight in heaven and in earth, in the sea and the depths, and in all that is in them.' Dr. Gollancz translates, 'Compassionate Father, who triest the hearts *which are in heaven* and on earth, the sea and the depths, and all that is in them; *they unto whom Thou hast granted favour*' (!). Prayer 6, on the same page, reads: *המשפיע ויוצר כל* 'The words *אל ישקוט בעולם* (p. viii) form a separate sentence: 'God silences all evil, and rules over all that is done in the world.' As the sentence is preceded by the words *ויתיר הרעות כלם* (i. e. the magic practice, as prescribed in the passage before us, will loosen, undo all evil), Dr. Gollancz, disregarding the word *אל*, and referring the whole to the magical procedure, is embarrassed by the seeming repetition, hence translates, 'It loosens every form of evil, *so much so that it will lay all evil*, and have power over everything that is done in the world'. P. xv, l. 4 from bottom, a certain disease of the eye is adjured that whatever it be, a film or blemish 'or any thing whatsoever, it should be blotted out and depart out of the eyes' (*או איזה דבר מה ימחה וילך חוין מן*) (העינים), not as is here rendered, 'or *as regards any other thing*

that can be blotted out, that it go forth out of these eyes.' P. xvii we are taught a ḳabbalistic trick by which a high personage can be hypnotized, and in this state made to promise that 'he will come during the day to seek me, with the express purpose of doing my will' (ויבא ביום לבקשני, דוקא כדי לעשות רצוני). This is translated, 'and come to seek me out literally, so as to do my will'. What is 'seek out literally'?

As may be expected, the author of the book uses certain technical words peculiar to this class of literature, e.g. לקשור, to prevent something from happening by a magical stratagem, literally to *tie up* (an Arabism, comp. Steinschneider, *Hebräische Uebersetzungen*, 540, 848); להחלים, to inspire one with a dream (see below), לבר as an adjective in the sense of אחד and יחיד = unique, and מעלה as a synonym to פעולה (see p. vi, מעלי ופעלי!), practice, operation, designating the whole process of performing magical tricks, as designed in this work. The executor of such holy tasks is therefore styled המעלה בעל (see fol. 5 b, ll. 3, 4, 22). On p. ix we thus read: אמר שלמה בשפע אלהי אחד הוא האל יחיד = 'Said Solomon by Divine inspiration, God is one, unique, the religion is one, and one is the magical practice, which the Creator has designed to reveal to mankind.' Dr. Gollancz, not familiar with the terminology, translates '*God alone is one, and there is one Faith only—the exalted one* which the Creator desired to be revealed unto mankind', thus taking המעלה, &c. quite conveniently, but against all grammar, as an adjectival description of אמונה (Faith). But what about the parallel passage forming the first few lines of the author's Introduction, where we read: אמר שלמה ע"ה לבר אחד האל יתברך לבר המעלה לבר האמונה = 'Said Solomon, peace with him, unique, one is God, blessed be He, unique the (magical) practice, unique the Faith'? Dr. Gollancz reproduces also this passage (p. v), but it is the only one which he wisely left untranslated. On what etymology is the verb החלים (p. xvii f.) translated four times by *overpower*, *overwhelm*, and *coerce*? Isa. 38. 16 does not warrant this meaning. I suspect the editor had in mind the Talmudic phrase (Rosh-ha-

Shanah, 28 a) עתים חלים ועתים שוטה, but the context of our passage makes it clear enough that it means to *cause one to dream* (comp. Jer. 29. 8).

I do not follow up in detail all the other mistakes made by the editor in the reproduction of the text. I shall simply register them along with the correct readings of the manuscript given in brackets. P. iv, מְבִי שְׁלֹמָה [מִפִּי שְׁלֹמָה]. P. v, l. 2, בהתחלה היה, [ההתחלה היא]; the words במלאכת and מראלים, *ibid.*, ll. 3 and 9, are misprints for במלאכה and אראלים; l. 15 יתחכם [יתחכם]. P. vi, l. 3, omission of אשר after כלם. On what ground is here assumed that מוֹנֵן means 'O Witness!'? It is quite improbable that either the author, or the editor, have here thought of the Haggadic interpretation of the biblical 'manōn' (Prov. 29. 21) as witness; s. *ḥ. Sukkah* 52 *ḥ*. P. viii, l. 4, תאמר, read תאמר; l. 7, כננר [ננר]; l. 9, ויחבש [ויחבש]. P. x, l. 1, שעה [משעה]; l. 2, חרב, read חרב. P. xii, l. 2, בדברים [הדברים]; l. 6, the manuscript clearly has הימנית, but the editor reads הימני, and to emphasize the mistake he adds *sic* in parentheses; l. 19, יושעו [יושעו] (see p. xxiii). P. xiv, l. 4, מוציאו [מוציאו]; l. 5, תוּוּ [תוּוּ]. P. xv, l. 2, מעבדים [מעבדים]. The whole Hebrew passage is here misplaced, as it belongs after the next two English lines. P. xvi, l. 1, וזרוק (so in the manuscript) should have been corrected into וזרוק; l. 5 from below, ותרואו [וטרואו]; last line, לקראתי, read לקראתי.

In view of the fact that all these mistakes in reading and translation occur in a text which, taken all in all, covers but about four pages, and which the editor has deliberately selected for the reader to serve as a key to the 'Key', it seems to me that if an English translation of this book is to be given, it should be undertaken by some one who would apply himself with more care and circumspection than are displayed in this Introduction.

After all this criticism it gives one genuine satisfaction to note that the work as a whole is splendidly got up, and that it is a great merit of Dr. Gollancz to have been instrumental in making this unique manuscript accessible to the Hebrew literary world by what is described as the collotype process, which alone made it possible to reproduce exactly also the perplexing drawings

and diagrams that cover its pages. So far as I know there are only three other Hebrew books that have ever been published in such a luxurious fashion.

Jewish Mysticism. BY J. ABELSON. London, 1913. pp. viii + 184 (third volume of the *Quest Series* edited by G. R. S. MEAD).

The border line between rationalism and mysticism cannot always be definitely established. Whether a given conception is assigned to the one class or the other depends often upon the discretion of the individual thinker. For what appears to the one as a mystification, or a thought without reality, may look to the other as clear as daylight, as an established fact that needs no proof. The writer of a history of mysticism, who wishes to satisfy all readers, therefore, is confronted by a somewhat difficult task. He must make sure that what he treats as mysticism will be recognized as such also by those who are inclined to consider some religious abstractions as absolute certainties, and would not agree to seeing them classed with mystical conceptions. Moreover, in order 'to write profitably on Jewish mysticism, it is necessary to have, not only a discriminating sympathy with the mystical standpoint, but also a first-hand knowledge of Jewish religious literature, the peculiar genius of which, perhaps, no one but a member of the race that has produced it can adequately appreciate and interpret' (G. R. S. Mead in his Editor's Preface).

Dr. Abelson, the author of the present work, fully comes up to the requirements here pointed out. With a sound literary taste and critical judgement he well succeeds in keeping himself beyond the danger line, avoiding on the one side a philosophic rationalization of purely mystical ideas, and on the other eliminating from his presentation all those elements of mysticism which by their nature are apt to confuse the modern reader rather than to enlighten him. Of course, this procedure necessarily renders the author's presentation incomplete, but, as he states

in his preface, the little volume is 'designed to give the reader a bird's-eye view of the salient features in Jewish mysticism rather than a solid presentation of the subject as a whole'. As such the book admirably suits the purpose. Following upon a general Introduction (pp. 1-15) some of the earlier essential elements of mysticism (e. g. the Merkabah = Chariot idea, Angels, Wisdom, Shekinah, Kingdom of Heaven, &c.), as represented in Talmud and Midrash, in Jewish-Hellenistic and early Christian literature, are interestingly discussed (16-97). Special chapters are then devoted to the elucidation of the mystic theories of the *Book Yeşirah*, the *Zohar*, the *Sefirot* doctrine, and other conceptions of the mediaeval Kabbalah. A spirit of genuine sympathy with the mystic aspect of Jewish thought is noticeable throughout the pages of the book, while the abundant quotations from the literature prove the author's familiarity with the sources.

On several occasions Dr. Abelson unnecessarily symbolizes Haggadic passages, seeing in them certain mystic thoughts which must have been foreign to the Talmudic authorities; see e. g. pp. 41 ff. the interpretation of the passages relating to Jonathan b. 'Uziel, Joḥanan b. Zakkai, &c. P. 81, ll. 24-5, the words 'before' and 'behind' must exchange places in order to give sense. The quotation from Naḥmanides (p. 87) might better have been left out, as the idea is quite unclear even in the Hebrew text, and is irrelevant. The author's deduction from certain Talmudic passages that in the mind of the Rabbis 'the Jew fills no higher a place in the Divine favour than do the good and worthy of all men and races' (p. 96), involves a great exaggeration and betrays an undesirable apologetic tendency. The assertion that the doctrine of the primordial substances (water, fire, and air) being represented by certain Hebrew letters came into Greek philosophy from ancient Hebrew theosophy (p. 102) seems to me without any historical basis. The passage regarding the two attributes of God, Justice and Mercy (p. 150), is mistranslated, the names Jahweh and Elohim being inverted.

Somewhat irritating are the ungrammatical transliterations of Hebrew words as *ruḥniim*, *gālḡālim*, *siḥlim* (64) for *ruḥānīyīm*,

galgallim (or *galgillim*, Isa. 5. 28), *škālīm*; *geyvekah* (85) for *gawwēka*; *hivra* (147) for *hiwwārā*.

In the Bibliography one misses D. Joel's *Die Religionsphilosophie des Sohar*.

These things do not detract, however, in any way from the essential value of the book, which is to be recommended to every one who wishes to get a general idea of Jewish mysticism.

The Cabala. Its influence on Judaism and Christianity. By BERNHARD PICK. Chicago: OPEN COURT PUBLISHING CO., 1913. pp. 109, small 8vo.

Christian theologians, especially those concerned in the conversion of the Jews, always showed much interest in the Jewish *Ḳabbalah*. Certain passages in the *Zohar*, the text-book of Jewish mysticism, which seemed to bear out the doctrine of the Trinity and other church dogmas, were claimed by these theologians and zealous missionaries as unmistakable evidence of the truth of the Christian religion. The author of the present booklet, likewise a missionary, does not make any attempt to Christianize the *Ḳabbalah*, but merely wishes to provide the English reader with a book on the subject, because 'it is surprising how scanty the English literature is on the Cabala'. The importance of the latter for the present generation he bases on 'the interest taken in it by men like Raymond Lully' (thirteenth century), Picus de Mirandula, Reuchlin, and other mediaeval Christian worthies. We have no quarrel with the author for having been prompted by the circumstances so described to enrich English literature by a book on the *Ḳabbalah*. We have a right to expect, however, that he would first provide himself with some knowledge on the subject drawn from the original Hebrew sources. What we find instead is a cheap compilation from the works of Jellinek, Graetz, and others, without a trace of literary skill or any penetration into the subject. Entire pages are copied literally without the slightest hint as to the source (see e. g. pp. 39-44, and Graetz, *History*, IV, 3-11). A reference

to the *Jewish Encyclopedia*, from which the description of the *Zohar* is taken, in part verbally (comp. pp. 46-9, and *JE.*, XII, 601, col. 2), is likewise suppressed. Instead, we are constantly referred by the author to his own 'articles' in McClintock and Strong's *Cyclopedia*, a publication which need not be consulted on the literature under consideration. In the so-called *Bibliography*, too, the best and most popular Jewish works on the Kabbalah (Landauer, Franck, Jellinek, Joel, Karppe, &c.) are, of course, omitted, but the compiler has the effrontery to remark at the end of the list: 'We have purposely refrained from referring to the historical handbooks of D. Cassel, S. Bäck, G. Karpeles, &c., because they offer nothing from a critical point of view; and for obvious reasons(!) we make no mention of articles on the Cabala in English Cyclopaedias.' No commentary is here necessary. That the author cannot read correctly a line of unpointed Hebrew is obvious from his transliterations of Hebrew words; see e.g. p. 45 the transliterated title of the *Zohar*. 'English literature on the Cabala' would, therefore, be much better off if authors like Dr. Pick would leave it as 'scanty' as they suppose it to be.

Nuevo hallazgo de una inscripción sepulcral hebreaica en Toledo (reprint from the *Boletín de la Real Academia de la Historia*, vol. LXVII). Por el Doctor A. S. YAHUDA. Madrid, 1915.

Hallazgo de pergaminos en Solsona, un capítulo sobre la poesía hebreaica religiosa de España (reprint from the *Boletín*, &c., vol. LXVII). Por el Doctor A. S. YAHUDA. Madrid, 1915. pp. 8 + 41.

Contribución al estudio del Judeo-Español (reprint from the *Revista de Filología Española*, vol. II). Por el Doctor A. S. YAHUDA. Madrid, 1915. pp. 32.

After a period of unbroken silence lasting over four centuries we hear again the voice of a Jewish scholar addressing itself to the scholarly world in the Spanish language from the chair of

a Spanish university. Dr. Yahuda, who about two years ago was appointed Professor of Jewish history and literature at the University of Madrid, is endeavouring to make accessible to the scholarly world everything of Judæo-Spanish origin that may still be found in the possession of the Spanish people and may throw new light on the history of the Jews in the Iberian Peninsula. Students of Jewish literature, burdened as it is with too many languages, have for years past considered the study of Spanish as something of a *hors-d'œuvre*, but may in future have to take it up again as part of the regular course of their linguistic studies—if, indeed, they care to come in touch with what promises to develop into a new phase of Jewish learning in Spain.

Dr. Yahuda's first publication deals with a sepulchral Hebrew inscription, counting only twelve lines, which was recently discovered on a granite block in the court-yard of Dr. Francisco López Fando of Toledo. The latter, a reputable physician and a man of letters, had noticed for some time the graphic characters on the surface of the stone, and invited Prof. Yahuda for an examination and eventual deciphering of the content. It was then found by the examiner that the block in question was originally one of the tombstones of the Jewish cemetery of Toledo, which, towards the end of the sixteenth century, was plundered by the Christian inhabitants of the city, its monuments being carried to various places, where they were made to serve all kinds of domestic needs. Fortunately some anonymous scholar of the sixteenth century had copied seventy-six epitaphs from the stones of that cemetery prior to its destruction. By some unknown circumstances the copies became the possession of the Royal Library of Turin, Italy, and were later published by the famous S. D. Luzzatto in his *אבני זכרון*, Prague, 1841. It so happens that the inscription deciphered by Dr. Yahuda is identical with no. 70 in Luzzatto's edition. It is the epitaph of a certain R. Jacob b. Isaac אֱלִסְכָּרְיָאסֶן, who fell a victim of the Black Death on the twenty-seventh of June, 1349, while performing his duty as a physician. Dr. Yahuda republished the text with a Spanish translation and notes. A new feature in this publica-

tion is the special page on which we are shown for the first time the peculiar arrangement of the intertwined lines as they were engraved on the stone. The copyist of the sixteenth century did not reproduce the diagram form of the inscription, hence it is lacking also in the edition of Luzzatto. Line 6 offers an essentially better reading than is given in the latter. The find is of value also for the student of Hebrew palaeography.

The second study of Prof. Yahuda belongs to the field of liturgy. As he informs us at the beginning of the essay, two parchment leaves covered by Hebrew script were recently found to have been pasted into the cover of a manuscript codex in the Library of the Academy of Solsona. They were removed and sent to the University of Madrid for examination. Here the author identified the content as representing fragments of the following six liturgical productions: 1. Prologue (רשות) of David b. Eleazar Ibn Baḳūda (twelfth century) to Solomon Ibn Gabirol's Exhortations (אהרות); 2. A hymn of Judah Halewi of the class called 'Ahabah (אהבה); 3. A poem on the Ten Commandments by an anonymous author; 4. Ibn Gabirol's 'Azharot; 5. A hymn on the revelation of the Law showing the acrostic Joseph (see p. 7, n. 2); 6. A poetic Introduction to the prayer 'Nishmat' for Pentecost by Judah Ibn Ḡayyāt (eleventh century).

None of these pieces is complete, and with the exception of no. 6 they have all been repeatedly printed in complete form in the various Orders of Prayer for the Jewish festivals. In so far the liturgical material here recovered, without denying the interest attaching to the discovery of it and to the attending circumstances, cannot be said to be of any particular importance. Dr. Yahuda, however, in his desire to present to the learned Spanish public, which for reasons well known is entirely unfamiliar with matters Jewish, something of the spirit and ethical worth of the famous Hebrew poets, who once sang on the banks of the Ebro and the Tajo, took occasion to prepare an elaborate study on the subject. By a happy coincidence three of the poetical compositions represented in part by the fragments in question (namely, nos. 1, 2, and 4) are fair specimens of Hebrew poetry

in Spain, and are therefore well adapted for the author's purpose. The usual description of the MS., of which a facsimile is given, is followed by a general characterization of that species of synagogal poetry which is known under the name of '*Azharot*' (Exhortations). The influence of the biblical language on the style and phraseology of the mediaeval Hebrew poets is then very interestingly described. The fragmentary texts of Ibn Baḳūda's Prologue and Judah Halewi's '*Aḥabah*' are completed from the printed editions and given in full, while of Ibn Gabirol's '*Azharot*' (part II) only the fourteen introductory lines are given as example. For Ibn Ḡayyā's poem which, as noted before, is here published for the first time, the author made use of a copy from a Bodleian MS., but even so the poem, as the acrostic shows, still lacks at least three more strophes at the end. As a piece of poetry this poem does not possess any special merit. The style is artificial and clumsy. The text of all four pieces is accompanied by copious explanatory notes and references.

It could hardly be expected that a plain, though scientifically satisfactory, interpretation of the contents of mediaeval Hebrew poetry would appeal to the Spanish reading public or arouse its admiration for the Hebrew poets. Dr. Yahuda, who is of a poetic turn of mind—he has published some Hebrew poetry of his own composition—in a chapter called 'Analysis and Translation' (pp. 26-41), therefore, gives a highly poetical reproduction in metrical verse of the three poems (Baḳūdah, Gabirol, and Halewi). The most interesting parts, however, are the introductory comments, which are inserted between the various strophes, and in which the author tries to acquaint the Spanish reader with the religious spirit that pervaded the poets in question while describing the grandeur of the Divine revelation on Mount Sinai, or the glory of the Holy Land and the Sanctuary as the seat of God, the loftiness and sublimity of the Mosaic Law, &c. The whole rhetorical exposition with the interposed verse cannot fail to make a deep impression upon the readers for whom it was intended.

A few corrections of mistakes may here be added. The

phrase *אזהרות ראשית לעמך נחת*, which forms the beginning of the oldest known *'Azharot*, cannot be translated '*en los primeros tiempos* diste exhortaciones á tu pueblo' (p. 8). The word *ראשית* is a symbolic name for the Torah (see the references in Theodor's *Bereschit Rabba*, p. 7, n. 3), and the meaning is 'Exhortations of the Torah Thou hast given to Thy people'. *Ibid.*, n. 2, for *Hasafrut* read *Hasefarim*; n. 4, for *Hagueonim* read *Gueonim Kadmonim*; p. 21, l. 17, read *Deuteronomio*, 6, 4-9 y 11; p. 22, l. 16, the author corrects the word *גבל* into *גבול* = boundary, and in a note tries to justify his correction. He overlooks Ps. 83. 7-8, where *Gebal* is mentioned as one of the tribes inimical to Israel. This *Gebal* has nothing to do with the town of that name (Ezek. 27. 9), which is referred to by the author. The whole note is to be cancelled. P. 24, n. 1, read *בן מושיע* *por ibn Gayat*; p. 26, l. 17, reference should have been made to Ps. 62. 12, as well as to the Talmudic interpretation of that verse (Sanh. 34 a), to which Ibn Gayyât, no doubt, here makes allusion. P. 35, n. 1, the reference to *Shir Hashirim Rabba* is to be completed by ch. 1, ver. 2, letter 2.

The Imperial Academy of Sciences in Vienna has recently published an important study entitled *Beiträge zur Kenntnis des Judenspanischen von Konstantinopel*, by L. M. Wagner (Vienna, 1914, 4to, pp. xxii + 186), forming part of the philological section in the 'Schriften der Balkan-Kommission'. The special object of this work is to show the relations between the Judæo-Spanish idiom and the old Spanish language, as also to investigate to what extent the former was influenced by other European and Oriental languages. Dr. Yahuda takes the work of Wagner as a starting-point for a highly interesting study on the subject, in which he gives his own observations among the Sefardic Jews of the different communities in Italy and Turkey, as well as the Balkan provinces which have formerly been part of the Turkish empire (Bosnia-Herzegovina, Bulgaria, and Greece, especially in the large Jewish community of Salonica). By virtue of his extraordinary familiarity with the leading languages of the Orient and Europe he is able to trace a large number of hitherto un-

explained phrases and expressions in the Judaeo-Spanish dialect to their Persian, Arabic, or Turkish origin, or to some archaic element in the Romance languages, particularly old Spanish and Portuguese. Very often it is the author's intimate knowledge of the social and religious life of the Sefardic Jews in question that enables him to ascertain the meaning of some obscure words used by the latter. Thus, to quote a single instance, the word *compedron* used by Oriental Jews as a noun denoting the buttock, *podex*, is explained as a corruption of the phrase *con perdón* (=with your leave, I beg *pardon*), a phrase used before expressing a word which is considered obscene or repugnant. Many Jews, however, who knew the meaning but not the etymology of *compedron*, naturally regarded its use as an obscenity, and in order to avoid it used instead the word *mehila*, which, Yahuda shows, is the Hebrew מחילה, and likewise means pardon! It should be added that the Polish Jews, too, use a whole phrase as a noun in precisely the same sense: *Der Seid's-mir-mochel* = the 'I-beg-your-pardon', which corresponds exactly to *compedron*.

Students of Romance languages will find in this essay of Yahuda rich material gathered from fields which are usually inaccessible to them and which will, no doubt, prove very profitable.

פרי מנדיו שיר השירים בערבי נכתב ויצא לאור ע"י יצחק עבוד ס"ט ניו יורק תרע"ו לפ"ק.

The present world war has brought one more language to the shores of this continent. To Judaeo-German and Judaeo-Spanish is now added Judaeo-Arabic, and the booklet under the above title is the first literary production in this idiom printed on American soil. It is this fact that lends it some importance and recommends it for registration in this REVIEW. The little volume contains the translation of Canticles into vernacular Arabic as it is spoken by the Jews in some parts of the Orient. The author adheres to the plain sense of the biblical text without making any use of Midrashic ideas, which are so commonly employed in the interpretation of this book in particular. The

only liberty he takes is that he tries to render each verse in rhymed prose, which is a much-favoured form with Oriental writers. For the sake of obtaining the desired rhyme the author is, of course, often compelled to insert words for which there is no equivalent in the Hebrew text. In his Hebrew preface Mr. 'Abūd informs us that he had prepared this translation more than twenty years ago, having used it in his instruction of the school children in Aleppo, but did not care to have it published. He was urged, however, to do so by friends in this country.

It would require too much space to give a description of the style and manner of spelling used by the author. Two verses from the first and last chapters will suffice as illustration, and in order to show the deviations from correct Arabic I place the latter in parentheses :

(Cant. i. 5.)

סמרא אנה ולאבין חלויה בל תמאם (or חלויה) חלויה
באלתמאם

יא בנאת דאר אל סלאם יא בנאת דאר אלסלאם
כי ביאם אל ערב כי שוקאק סולימאן. כביאם אלערב כשקק סלימאן.)

(*Ibid.*, 8, 11.)

כרם כאן לסולימאן פי מרג חמון (כרם כאן לסלימאן פי מרג חמון
עטא אילא כרם לל נאטירין ואנעמהון עטא אלכרם ללנאטירין ואנעמהם
כול רגון ייגיב אלף קטעית פוצה פי כל רנל יגיב אלף קטעה פצה פי
תמרהון. תמרהם.)

'The reader should excuse me', the author pleads in his preface, 'for having often placed the vowel letters (אהו"י) where they may not belong and for having used promiscuously the letters ס and צ, &c., as no correct method of spelling Arabic in Hebrew characters has as yet been established (!). I did the best I could, may the Lord forgive me!' We hope his wish will be granted, though we do not agree with the reasons he advances therefor.

HENRY MALTER.

Dropsie College.

KISCH'S 'RELIGION OF THE CIVILIZED WORLD
AND JUDAISM'

Religion of the Civilized World and Judaism. By H. J. KISCH.
London, GEORGE ROUTLEDGE AND SONS, Limited: New
York, E. P. DUTTON AND Co. pp. 68.

THIS little book of 68 pages presents some of the universal elements in Judaism as an evidence of its title to eventual general acceptance by all men. It is wholesome as an antidote to that sceptical nationalism that disregards in religion all other factors save that of national expression, making the religion of the Choctaws as legitimate and therefore as true for them as is Judaism to the Jew. Mr. Kisch, on the contrary, presents Judaism as entitled to world recognition, because it is the correct expression of divine truth.

The point of view and test is the enlightened thought of our own age to which it is claimed Judaism responds. In proof of this we have collected a number of interesting quotations from the works of James Martineau, Matthew Arnold, Prof. Schultz, Prof. Huxley, George Adam Smith, &c. The author's definition of religion is: 'Ethical ideals combined with ideals of God'. The ethical ideals of Judaism are quoted from the Scripture. The Bible as a whole is presented as containing the law of God and the word of God, without in any literal sense being the word of God. Its great, moral, and educational value is emphasized. Judaism presents the highest concept of God as a purely spiritual being. Inspiration is His influence in the human soul, present in each one to a greater or less extent.

One of the finest chapters in the book consists of three pages on 'Faith and Trust in God'. The self-sufficiency and arrogance of man culminates in his deification, whereas a true recognition of his powers and place invites to humility, an essential quality of true religion as precedent to reliance upon God.

The author's notion of religious ceremonies, as might have

been expected, is crude and inadequate. To him they are simply a form of symbolism, and a contrivance to discipline human life, rather than a natural form of expression of religious ideas and principles. Ceremonies to him lack inherent validity and vitality, and of course are of but small importance, although not safely to be disregarded at the present time. The disregard of ceremonies led to that adulteration of Judaism with heathenism that developed into Christianity. There is need of ceremonies therefore to maintain the identity of the faith and to prevent alien admixtures. Moreover, Israel's life constitutes a model experience, and its national ceremonies take on a religious significance for the outside world. The abrogation of Sabbath and other changes of Christianity were the marks of external influence and customs and practices, grafted upon the Jewish stock, not to its advantage.

The book serves measurably to rebuke Christian missionary presumption and Jewish indifference and ignorance of our faith's inherent validity and worth. It is interestingly presented, and is worthy of consideration.

WILLIAMS'S 'CHRISTIAN EVIDENCES FOR JEWISH PEOPLE'

A Manual of Christian Evidences for Jewish People. By A. LUKYN WILLIAMS. Vol. I, with a preface by Dr. H. L. STRACK. Cambridge: W. HEFFER AND SONS, Limited. London: SIMPKIN, MARSHALL AND CO., Limited. 1911. pp. xvi + 249.

THIS book is an endeavour to refute Jewish objections to Christianity. The formulation of Jewish objections is that of Rabbi Isaac of Troki in the first part of his *Chizzuk Emunah*, written in Lithuania, about three and a half centuries ago. Naturally the point of view has changed somewhat from the seventeenth century to the twentieth, from Lithuania to England and America, from a Karaite Jew to that of even an orthodox Jew of modern times. For the Reform Jew other influences than this book are relied upon to work conversion. Prof. Strack, who lends his sanction to the work through a preface that he has

written for it, hints at other methods of refutation, more in line with modern scholarship, that might have been resorted to, but Mr. Williams is a faithful member of the Church of England, and abandons all other interpretations save that sanctioned in his confession. The tone of this disputation is kindly, and the attitude towards Jews well disposed. The point of view, however, is one hopelessly removed from the Jewish one. The book should have been more truly styled: 'Christian Evidences for Christian People'. It is a *petitio principii* from beginning to end. It takes for granted the truth of Christianity and the fact of the Messiahship of Jesus, from the point of view of the New Testament, and then undertakes to reconcile the statements in the Hebrew Scriptures to that supposed fact. The book from a Jewish point of view is entirely without force, since the very fundamental fact therein taken for granted is of course entirely denied.

The book has interest, however, to the Jew to note how a Christian from his own premises meets the difficulties of reconciling the Old with the New. The mere question of genealogy from David is confessedly most trying, and is only resolved by recourse to a supposed fiction of Jewish law that her husband's recognition of Mary's supernatural child conferred upon it the legal rights of his son.

The difficulties of the failure to realize Messianic conditions in the work and times of Jesus take up a considerable part of the work, and is met in two ways. The expression באחרית הימים connotes an indeterminate duration of time. 'We are not justified in saying that the fact that two or three thousand years may elapse between one act performed by Messiah and another is any hindrance to the two acts being described in Scripture as virtually concurrent' (p. 41).

Then another means of escape from any too difficult a situation is presented through the belief in the second advent. 'R. Isaac may not, as in the case at point, forget that we Christians hold, at least as strongly as Jews, that Messiah is yet to come. We believe that He came, but we believe also that He

is to come again.' So that as in Zech. 14. 4, 5. 'If the whole passage is to be understood in a literal sense, its fulfilment will take place at a late period in the Messianic time.' But if these signs can be thus postponed at will to the indefinite future, how can they be adduced as proof of the actual advent of Messiah?

This juggling with texts and adapting interpretations, now literal, now metaphorical, to fit the event, is extended to the even more important subjects of the Law, the Sabbath, the dietary laws. Is the Law abrogated? Not at all. Is it to be observed? By no means. The conception of law herein presented is puerile, it being based not upon a divine declaration of the true relation of things and persons, but upon a bald fiat that is devoid of all basis of reality. 'Jews, he says, suppose that the reason why we do not steal is because the eighth commandment says "Thou shalt not steal", but it is not so. The reason why we do not steal is not because we are told not to do so, but because stealing is contrary to the character of God, and to the first principle of love to God and man. To Christians the Law is abolished as a collection of laws, and this in all its parts, ceremonial and moral alike, in so far as they are laws.'

Why was the Sabbath abolished and Sunday accepted? The answer: 'Christians believe that something had happened upon it (Sunday) which was of overwhelming importance . . . they were determined to observe the day at all costs, even if its observance did displace that of the Sabbath'. Is this an excuse or a justification for a plain abrogation of the Sabbath?

To the Jewish mind the author's argument fails entirely to make intelligible the doctrine of the incarnation, and the objections of Rabbi Isaac to the dogma of the Trinity are by no means removed. The difference between the Jewish and the Christian doctrine of atonement is not clearly stated. The author seems to identify the former with suffering, and this leads him to the statement: 'Christians hold that the very Presence of God gave Himself up by taking human nature to be a self-sacrifice for human sin, and whatever may be the difficulties of this belief, it is at all events very different indeed from the belief that the suffering

of a man as such can at all atone for sin—yea, utterly opposed to it and contradictory’.

One of the favoured arguments against Judaism in favour of Christianity is the remarkable spread of the latter faith. In considering this the author is brought face to face with the growth of Mohammedanism. He disposes of this fact in the following note: ‘I am not forgetful of the fact that Mohammedanism has wrested certain lands in nearer Asia and northern Africa from Christianity, nor that it threatens to spread faster in middle Africa at the present moment. The demands that it makes upon the conscience and the life are so much lower that no surprise can be felt at its gaining a temporary victory in some quarters’. But if the Jew were to relate Judaism to Christianity on some such scale it would be attributed to Jewish arrogance.

The suffering of Israel and its long subordination and exile are used to cast obloquy upon faith and people. Yet it is admitted that this argument would have condemned Christianity and its founder at its origin. If it is held that its subsequent victory is its vindication, what shall be said of the survival of Judaism against all material powers, including Christianity, save as an assertion of its supreme spiritual power?

The Messianic texts in the Bible are considered in detail, and the interpretations are made to agree with the Christian doctrine and declarations; even the mistranslation of העלמה by ‘virgin’ (Isa. 7. 14) is adhered to. The book is provided with glossary and indices of general character and of Biblical and post-Biblical passages. Two other volumes in refutation of second and third parts of the *Chizzuk Emunah* are promised.

However well intentioned such efforts may be, their effect is the reverse of that which they purpose; they do not tend to bring men nearer to each other, but rather to widen the breach. The work may clear up for Jewish readers some points in Christian theology, but it signally fails to understand or refute the Jewish position. The undertaking to bring the two religions together must depend upon other forces than such as are represented in controversial dialectics. At best it can satisfy Christians.

JEWISH PROVERBS

משלי חכמים *Proverbs of the Sages*. Collections of Proverbs, Ethical Precepts from the Talmud and Midrashim, with Explanations and English Translations. By M. GOLDMAN, New York: 1911. pp. 287.

Ancient Jewish Proverbs. Compiled and classified by the Rev. A. COHEN. London: JOHN MURRAY. (Wisdom of the East Series.), 1911. pp. 127.

There have been numerous collections of Jewish proverbs both in Hebrew and modern languages. The Hebrew language is especially adapted to this form of literature: its brevity, its force gives it the power to express truth pithily. Then, too, there is something in the Jewish nature and habit that lends itself to laconic utterance and to the habit of giving a significant and even a sarcastic and witty turn to a phrase that underlies and forms the essence of the gnome. The appreciation of the proverb by Jews has been cultivated from the most ancient times, as shown in the Bible, and also by the large number of proverbial maxims current among them, and the great pleasure with which they are quoted. No one can read them without feeling the deep insight they express of human nature and their true understanding and evaluation of human conduct. It is, therefore, with special satisfaction that two such excellent collections can be hailed as are contained in the above entitled books.

The first of these, by M. Goldman, is a work of love from one who appreciates Jewish wisdom, and possesses the facilities for giving it a proper typographical expression. It is indeed beautifully printed. Its large *octavo* pages with ample margins and decorative scrolls show how highly the editor, translator, and commentator esteems his work. Its greatest value lies in its association of the original text either in Hebrew or Aramaic with the English translation, giving the reader access to both with the references in each instance of the source whence the saying is taken. Together with this is the translation and explanation in both Hebrew and English. In its 287 ample pages there are

contained 442 maxims, arranged in alphabetical order, and bringing the work through the letter 'I'. The selection has not been strictly confined to the proverb, the maxim current among the people; it includes many a wise saying of famous sage contained in our ancient post-biblical literature. It cannot be said that the English rendering has in every instance been felicitous, as in No. 76, 'Iniquitous deeds redound upon their own perpetrators'; or in No. 74, 'No woman is getting envious without another woman being the cause of it'. The use of idiomatic English would not infrequently have added to the crispness of the translation. Even if he does not always succeed in convincing the reader of the correctness of his interpretation, 'for varied applications lie in art, like nature', still the author of this work has rendered an important service in thus presenting these choice nuggets of wisdom for the present use of the Jewish people in English-speaking countries.

The second of the above titled books is by an English divine, Rev. A. Cohen, late scholar of Emmanuel College in Cambridge University, a disciple of the late Michael Friedländer, to whom the book is dedicated. It is a little volume of 350 Rabbinic proverbs that still claims to be exhaustive of this class of proverb in its strict scientific sense. The work is carefully and accurately performed. Of course the absence of the original text, that forms so important a part of M. Goldman's work, is here marked, but as far as possible this is compensated for by the accuracy of the rendering and the classification into ten chapters, with various sub-headings, viz. Human Existence, Family Life, Human Virtues, Occupations, Rules of Conduct, Vagaries of Fortune, Social Life, Colloquialisms, Miscellaneous. Each proverb is rendered into English with its original source, and its place in the epoch-making works of Leopold Dukes. The explanation of the proverb is given with many illuminating analogies in the gnostic literature of the Jews and other people. The work is furnished with an interesting and instructive introduction, wherein are discussed the nature of proverbs in general and of Jewish proverbs in particular, the source of Jewish proverbs, their language, age, and

characteristics. The work is done in a careful, accurate, and scientific spirit, with use of modern scholarly apparatus. It is a charming book for scholar and layman, for young and old, and opens up abundant opportunity for illustration in homiletic and popular use. It exhibits an aspect of Jewish literature in which the soundness, shrewdness, and depth of Jewish character are exhibited and transmitted.

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Newark, N.J.

AMULETS AND BOWLS WITH MAGIC INSCRIPTIONS

AN important American publication, containing numerous magic inscriptions in Aramaic, and my recent academic study at Paris concerning a French acquisition of the same nature, present occasion for a critical review of this subject. We must follow up its development, inquire into the progress made in this branch of Semitic studies, in order to complete or at least to increase the vocabulary which relates thereto. Up to the present time we have had merely unconnected accounts. The rudiments of this field have scarcely been cultivated in our own time. The first discoveries do not date back more than seventy-five years. England first had the good fortune about 1846 to make fruitful excavations near Tell-Amran in the vicinity of Hillah, the most remote part of Mesopotamia, Suziana, on the same site that the Jews are thought to have occupied in Babylon during the Captivity.

Aside from the objects that are connected with the era of the successive domination of the Arsacids, the Sassanids, and the Arabs, there have also been found little monuments in Hebrew of the Middle Ages, the date of which varies between the fifth and the seventh or eighth century of the common era. Among these objects we find pottery of baked clay which reveals an interesting side in the history of the Jewish colonies that settled upon the ruins of this land, after the conquest of Jerusalem by the Romans. In this pottery there are bowls which partake of the form of very wide, hemispherical calottes, with a diameter in the middle varying from eight to twelve centimetres. The material composing it is of reddish clay with sides as thick (or deep) as a household

dish, rather coarsely shaped at its circumference so that it does not show any artistic interest.

The interior concave surface of these bowls contains magic inscriptions traced by ink in a circle, most often spirally, beginning now in the centre, or at the umbilical (*ὀμφαλός*) protuberance so as to end in the periphery; now in the opposite direction, from the periphery to the centre. Rather rarely we find inscriptions composed of concentric lines, inclosing a rough sketch of a human image representing a male or female demon. These lines constitute incantations, or objurgations, uttered by the exorcists in order to put to flight the demons that were supposed to torment the sick. It was thus a matter of avoiding misfortune, or of curing the patient who would drink of the liquid that was poured into the bowl as he besought the intercession of Providence, or of the liberating angels. Although all these texts vary in form, yet in essence they resemble each other closely. Thus we have preserved traces of magic rites among people who especially ought to have banished them, inasmuch as these deeds of popular superstition are irreligious.

The pagans attributed the steadfastness of the early Christians in enduring martyrdom to the employment of secret and diabolical methods, accusing them of performing certain charms through the recitation of Biblical verses to avoid the effects of torture. An instance of this is the passage in Exod. 12. 46, 'Ye shall break no bone thereof', and the preservative power of this verse is recalled by John the Evangelist (19. 36)¹ in the final story of the Passion of Jesus.² These same superstitions are reflected in other passages of the Old and New Testament (Isa. 41. 17; Jer. 25. 15-27; Matt. 20 and 26). In reference to hydromancy there is an allusion in the Babylonian Talmud,³ and the Jerusalem

¹ Cf. Num. 9. 12.

² See Ed. Le Blant, 'L'accusation de magie dirigée contre les premiers Chrétiens', in the *Mémoires de la Société des Antiquaires de France*, CXXXI; 'Actes des martyrs', in the *Mémoires de l'Académie des Inscriptions*, vol. XXX, part 2, p. 105 ff.

³ Shabbat 37b; Yoma 84a; Beṣah 16a; Baba meṣia 29b; Abodah Zarah 38a.

Talmud⁴ narrates how a sorcerer became inaccessible to rain-water. We have similar references in the Midrash.⁵

By a kind of logical sequel, the language in which these formulas of incantation were conceived is generally that of the Chaldean Targums. The Hebrew square type is most frequently the character of the writing, with forms more or less removed from the actual writing, according to the antiquity of the monument which can be precisely determined by the characters of the writing, while the forms of the letters help to fix approximately the dates of the texts. The formulas, however, are written now in Mandaic, now in Syriac, both cursive and estrangelo, and again in Arabic.

From the afore-mentioned English excavations the British Museum has received twenty-four Judæo-Babylonian vases with magic objurgations. A masterly description from an archaeological point of view was made by Layard in his 'Discoveries in the Ruins of Nineveh and Babylon' (London, 1832, pp. 509-26); but the decipherment and interpretation of the texts, undertaken in part by Thomas Ellis, and in part by Zenker, left much to be accomplished. It required the labours of such competent Orientalists as M. A. Levy,⁶ the brilliant epigraphist of Phœnicia, Th. Nöldeke,⁷ D. Chwolson,⁸ who was assisted by Joseph Halévy, to perfect the interpretation of these texts. Halévy, indeed, expounded⁹ the most illegible text before the Académie des Inscriptions et Belles-lettres, in 1877. It is found in No. 20 of Chwolson's *Corpus*.

⁴ Ḥagigah II, § 2, and parallel passage in Sanhedrin 45 b; cf. Jos. Derenbourg, *Histoire de la Palestine*, p. 69.

⁵ Raba on Genesis, § 92 (f. 80 b); Midrash on Prov. i. 14; Tanhuma on Gen. 42, or § v, f. 20 a; Yalkut, first part, § 15 (f. 47 b).

⁶ *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, vol. IX (1845), p. 465 ff.

⁷ *Ibid.*, vol. XXXIV (1870), p. 90 ff.

⁸ *Corpus Inscriptionum Hebraicarum*, St. Petersburg, 1882, pp. 103-20.

⁹ *Comptes-rendus des Séances de l'Académie*, fourth series, vol. V. See his *Mélanges de Critique et d'Histoire*, pp. 229 ff.

These pioneers, through their invaluable labours, have served as guides in the researches subsequently undertaken in this field. We likewise have attempted to read and translate somewhat similar texts which were brought to France from 1882 to 1915. There are now a dozen collections, divided between the Musée du Louvre, the alcove for medals and antiquities of the Bibliothèque Nationale, and those contained in the recent acquisition of Pozzi,¹⁰ Professor of Surgery. These translations have been published in series partly in England,¹¹ partly in France.¹²

Meanwhile, the University of Pennsylvania has had excavations made in Babylon and in Nippur, the ancient remains of Chaldea. The excavations under the supervision of Professor Peters, during the first two archaeological expeditions in 1888 and 1889, brought to light more than 150 specimens of the type under discussion, consisting of fragments of bowls found one or two metres from the ground. A selection of forty complete texts was made from these, upon which Mr. James A. Montgomery, a learned professor at the Philadelphia Divinity School, and Assistant-Professor at the aforementioned University, has published a book entitled *Aramaic Incantation Texts from Nippur*.¹³ It is contained in the Publications of the Babylonian Section, vol. iii, which the Museum of the University printed from a fund endowed by Eckley Brinton Coxe, jun. In consequence of this

¹⁰ Lectures held at the Académie des Inscriptions et Belles-Lettres, Aug. 3, 1883; Sept. 25, 1885; March 20 and June 19, 1891; Oct. 29, 1915; *Comptes rendus des Séances*, 1883, p. 268; 1885, p. 232; 1891, pp. 122, 189; 1915, pp. 383-9.

¹¹ 'Les coupes magiques et l'hydromancie dans l'antiquité orientale', in the *Proceedings of the Society of Biblical Archaeology*, April 1890, vol. XII, pp. 292-343; June 1891, vol. XIII, pp. 583-96. Cf. *Rapport sur les inscriptions hébraïques de la France*, 1904, pp. 22-6.

¹² One in the *Revue des Études Juives*, vol. IV (1882), pp. 165 ff.; two in the *Revue d'Assyriologie et d'Archéologie Orientale*, I (1885), 117-19; II (1891), 138-41; others in this same *Revue*, III, 49-51; finally an article by Professor Hyvernat in the *Zeitschrift für Keilschriftforschung*, II (1885), pp. 113-46.

¹³ Philadelphia, *University Museum*, 1913 (326 pages and 41 plates).

publication the Orientalists can now find information, which formerly was scattered here and there, under one head. Mr. Montgomery has taken care to indicate the references in Chapter I of his introduction, due to his appreciation of the usefulness of bibliographical details, so that the investigators will be thankful to find the facts gathered in a praiseworthy collection. Here we have numerous facsimile forms of inscriptions duly catalogued (pp. 319-26), with all their varieties of writing, but in square character instead of being arranged spirally as we find in the original. It was a good idea on the part of the author to have photographed the interior inscription of one of these bowls from opposite points, partly covered by shade as represented by plate XLI.

We should be no less grateful to the author for his collection, through indexes and glossaries, of the as yet occasionally obscure elements of this mystic language, purposely concealed from the view of the profane. Under this mask there are hidden the proper names of men or women as protection against the malefices of Satan, or the names of the divinity invoked for the same purpose, or qualifications of good or evil spirits, in other words, of angels and demons. As modern science would put it: the injurious microbes counterbalanced by the useful and vivifying microbes.

It may be questioned whether the glossary C in Montgomery's volume, arranged according to roots, does not confuse the reader somewhat. Would it not have been better to combine this glossary with the two preceding, considering that there is a general index of the Indo-European words? We regret indeed the omission of the only monument of this type that is known in Russia, deposited in the museum of Moscow, of which Dr. Albert Harkavy has been making a detailed study in the *Zapiski Vostochnago Otdeleniya Archeologit. Obtchestoa* (Memoirs of the Society of Archaeology, Oriental Section, St. Petersburg, 1889, vol. iv, pp. 83-95). Why has the name of the venerable Russian librarian become B. Markaug, a deformation which has misguided research? As a result of this omission, the glossary which in our opinion is the principal part of the American collection, is divested

of the terms employed in the text (in twelve lines) of Moscow. This is one of the exceptional criticisms to be presented against the publication of the Aramaic texts, wherein the learned editor has set forth an abundance of material in a manner betokening eminent philological knowledge.

In 1905 R. P. Ronzevalle, Professor at the French University of Syria, sent us from Beyrout two photographs (face and reverse) of a silver lamella discovered in a tomb in the vicinity of Aleppo, which contains more than thirty-seven lines of Hebrew writing. This extremely rare fragment dates from the fifth or possibly the fourth century of the common era. By its wording as well as by its contents of magic incantation it occupies a place of prime importance by the side of our bowls of baked clay.

The material drawn from these diverse, scattered studies may be increased by the following list of new Chaldean words that have not as yet appeared in the usual vocabularies. The present list of words is based—aside from some references (forgotten by M.) to our own lists in the *Proceedings of the Society of Biblical Archaeology*, 1890-91, there designed by F, L, M, O, P, Q, R—on four other sources which up to the present time have not been excerpted in vocabularies. I use the following abbreviations: (1) Hark. refers to the afore-mentioned Russian article written by Dr. Albert Harkavy in 1889; (2) the name Lacan directs us to the investigator of one of the bowls owned by M. Feuarent; ¹¹ (3) the abridgment Ronz. refers to the amulet-text of R. P. Ronzevalle, which we published with a translation and commentary in the *Journal Asiatique* (1906, vol. i, pp. 5-17); (4) the word Pozzi is used with reference to the bowl in the collection of antiquities of the surgeon professor, a study of which was presented by us at the session of the Académie des Inscriptions, the 29th of October 1915.

Additions to the Glossaries of Mystical Words:—

אבלות, the pale one (the moon): Ronz., line 25.

אדילסיר or באדילסיר, a proper name: Schwab P.

¹¹ *Revue d'Assyriologie et d'Archéologie Orientale*, III, 49-51.

אוגרית (from the root אגר to engage), female demon: Ronz., line 24.

אורין = הדין, these: Schw. M.

אוכמומית, blackness: Schw. N, R.

אחמה, divine name: Ronz., line 4.

אלבלה. Cp. אבלות.

אלפת, from the root אלף 'to teach': Schw. Q.

אמלתי, name of an angel: Schw. M.

אקמו, (?) brown: Ronz. line 16.

אשוה, equals: Schw. O.

אתבתאנא, resides in the Tana (spirit): Schw. O.

אתואב, may he be forsaken: Schw. L.

בריד, spade: Schw. M, note 4.

בהמנריך, proper name, daughter of Tata: Hark., line 3.

בכל, to cry: Lacan, Schw. P.

במהוהר, soon: Ronz., lines 10, 11.

בנריל, separated: Schw. M.

ברונקא = פרונקא, forerunner: *ibid.*

ברסדינא, proper name: Hyvernat.

גיות, body: Schw. R.

גינצא, shining weapon: Hyver.

גיתועבים, (?) valley of the impious: Schw. O.

דבה, to be able: Schw. Q.

דסתאיבהאר, may he be anathematized: Schw. M.

הואשט, (?) : Schw. P.

הססא, poison: Schw. Q.

והדיסתא, proper name: Schw. M.

וויח (from the root ויח) to depart: Pozzi.

זרן, audacious: Lacan.

זון, proper name: Hark., line 1.

זינהון, their arms: *ibid.*, line 7.

חדאכון, one of you: Pozzi.

חטטוחאן, sins: Schw. R.

חמין, heat: Schw. F.

חפשיה, proper name: Ronz., line 21.

חצמצתי, (?) : Lacan.

- חתיאנשו, (?): Schw. R.
 חתמיאל, name of an angel: Hark., line 6.
 טוטא, proper name: Hark., line 2. Cp. טאטי in Montgomery.
 טוטון, this invocation, or sound of a horn: Pozzi.
 טלם, טלנית, shadow, shady: Ronz., lines 6 and 15.
 טחה (for תחתא), at the bottom: Schw. M.
 ירוד, dragon: Lacan.
 כרסי, throne: *ibid.*
 לאצל, for the deliverance: Pozzi.
 מאותיפא, obscure: Ronz., line 25.
 מבליהאח, pernicious: Schw. M.
 מדים, thing: Pozzi. מירעם, thing: Hyver.
 מהומן, credible: *ibid.*
 מוסוי, cure: Schw. R.
 מוצינן = בוצינן, light: Schw. P.
 מחי, מחיזא, stamp: Schw. P.; Hark., line 4.
 מלדיגדודrugmada, proper name, Maldigdjodrugmada, or Mor Ge-
 daymbada: Hark., line 2.
 מעיק, oppressor: Schw. R.
 מרוין, race: Ronz., line 9.
 מראור, bitter: Schw. L.
 משרקא = שרנא, light: Schw. P.
 נער, to reject: Ronz., lines 14, 15.
 סהרין, circles: Hark., line 6.
 סוג, sort: Schw. R.
 סלניתי = σελήνη, moon: Schw. P.
 עט, stylus, ray: Ronz., line 20.
 עיסרא, prince: Hyver.
 עכבין, hindrance: Lacan.
 ערבות, celestial sojourns: Ronz., line 24.
 ערריה, disperse, scatter: Pozzi.
 פנא, proper name: *ibid.*
 פפי, demon: Schw. M.
 צמית, always: Lacan.
 קיומתא, proper name, mother of two sons and one daughter:
 Hark., 1, 2, 3.

- קסו = קנו, confines : Pozzi.
 קציר, sick : *ibid.*
 רבותא, proper noun : *ibid.*
 רגושה, feeling : *ibid.*
 רישונדוך, proper name : Schw. M.
 רעי, pasturage : Hyver.
 רעשהו, to cause to tremble : Ronz., line 10.
 שודר, backbone, spine : Pozzi.
 שישו, proper name : Schw. P.
 שפך, to pour : Schw. R.
 שרקא, light : Schw. P. Cp. משרקא.
 שתר, rise, stand erect : Lacan.
 תאיאישו. See תחאיאישו.
 תמאמא, complete : Schw. P.
 תמלפין, from the root מלף. See this word.
 תרפעין, v. תרפועים—רפע, v. רחם.

The historical conclusions in Montgomery's work do not determine precisely the date of these texts. The period that we should assign to them extends over more than four or five centuries, from the fourth to the ninth of the common era. Our argument for the antiquity of the bowls, brought from Suziana to the Musée Parisien of the Louvre by Mr. and Mrs. Dieulafoy, has been set forth in the *Revue d'Assyriologie et d'Archéologie Orientale* (ii, 136-8), considering the neighbourhood of the bowls, as well as other objects discovered by the same explorers, the date of which they do not regard as doubtful to them. Nöldeke,¹⁵ on the contrary, basing his opinion upon the presence of Persian names, says that the text written upon the bowl of the Lycklama a Nijeholt's Museum, in the town hall of Cannes, published, translated, and interpreted by Professor Hyvernat, cannot date back later than the eighth century. Our modest view is that such arguments are not peremptory ; proper names can date back still later, inasmuch as they have been transmitted during many generations, while the form of the letters is an indication complying more with the time, more often flexible and variable, more

¹⁵ *Zeitschrift für Keilschriftforschung*, II, 295.

exactly revealing the century during which a text has been written. Of calligraphy there can be no question, as it was impossible with the curved lines, and it would be unjust not to take into consideration the material difficulties imposed upon the scribe by the arrangement of the bowls. This then in its very aspect is a proof of ingenuousness, worthy of attention, for the profit of future Aramaic studies.

RADIN'S 'JEWS AMONG THE GREEKS AND ROMANS'

The Jews among the Greeks and Romans. By MAX RADIN.
Philadelphia: THE JEWISH PUBLICATION SOCIETY OF
AMERICA, 1915. pp. 422 and 7 illustrations.

The civilization of humanity was not begun by the Greeks and Romans alone; in the course of advancement the Jews likewise were an equally important factor. The contact among these three nations has furthered progress even to this day. To what period does this contact go back? What is the nature thereof? To these weighty questions the book of Mr. Radin is a direct reply. He informs us fully concerning the life of the Jews, their material activity, as well as their religious ideal, during the many centuries that elapsed from the captivity of Babylon to the fall of the ancient world. He depicts the state of our ancestors outside of Palestine, and, in order to give us a good understanding of their situation in the midst of surrounding peoples, the author shows us what ideas prevailed at that time in the political and religious world. To this end the book, which contains a storehouse of knowledge, gives full scope in a number of chapters.

During this turbulent period the first relations between the diverse races had been pacific rather than hostile, as we have had occasion to point out elsewhere. Through the invasion of Asia by Hellenism as a result of the victorious armies of Alexander the Great, Greek became in a few years the universal language. Even the Jews, in spite of their inclination to remain distinct,

could not resist the strange force of attraction of Hellenic culture. This daily contact between Greeks and Semites constrained the latter to admit into their literature even foreign words; inasmuch as the Hebrew language did not contain sufficient words to express fully the profusion of new ideas which the Jews absorbed. In short, the Hellenic influence extended likewise to every sphere of civilization.¹ Afterwards, however, there arises opposition between these two heterogeneous elements: it manifests itself now in a social phase, now in philosophic thought. But after all, is not the history of Judaism a struggle against subjection?

Mr. Radin sets forth these diverse stages with a great deal of knowledge, with an abundance of material among which we should have desired to see a little more space given to Jewish writers. He rightly appeals to the work of Franz Cumont² to show how the idea of spiritual monotheism coincides opportunely with the birth of Neo-Platonism at the time of the diffusion of Oriental cults in the Occident. It would have been appropriate for the author to take up this point in order to refute the following theory of the Belgian scholar who expresses himself thus:³ 'The point on which further light must be shed is the composite cult of those Jewish or rather Jewish-pagan communities, worshippers of Hypsistos, Sabbatistes, Sabazias, and others, where the new faith had been implanted from the time of the Apostles. Before the beginning of our era, the Mosaic law had already blended with sacred customs of the Gentiles, and monotheism had made concessions to idolatry...' On reading these lines we ask ourselves the question whether we are still living in the time of Apion? Is this not the opportune time, twenty centuries after Flavius Josephus, to combat such slander? This false attribution to the faith of unfortunate exiles comes from ignorance or malice, which prevailed among the wits of foreigners from the first to the fifth century. To justify this

¹ *Rapport sur une mission de philologie en Grèce*, Paris, 1913, p. 5.

² *Les Religions orientales dans le Paganisme romain*: Conférences au Collège de France en 1905 (1907, 8vo).

³ *Ibid.*, Introduction, pp. xvii-xviii.

singular opinion, Cumont gave merely one reference, namely to Bousset,⁴ and he proceeds to say further (p. 77): 'In Asia-Minor, Hypsistos is the name employed to designate the God of Israel. There were numerous pagan cult-associations which, although refusing to practise all the ceremonies of the Synagogue, rendered exclusive homage to the Most High, *the Supreme God, the Eternal God, God the Creator*'. Unless he was guided by preconceived ideas or by prejudice, how could Mr. Cumont have supposed that there was a correlation between the Hebrew monotheism and the cult of Cybele? He likewise indulges in a gratuitous hypothesis in identifying the 'Most High' (Eliou) of the Hebrews with the Greek god Hypsistos, cited also as an adjective, or qualificative, in an inscription, Ἀττει ὑψίστω. It is not even necessary to state that, barring a casual assonance, there is the least similarity which could be taken seriously between the word Sabbatistes, of Hebraic origin, and that of Sabaziastes,⁵ of Greek or Phrygian origin, as little as between the latter and the word Sabaoth, from the root שבת.

Likewise Mr. Radin is justified in referring to the book of Mr. Jean Juster.⁶ The latter has shown, in his doctor's thesis, how the Jews, having spread throughout the Roman Empire, had obtained citizenship in the Greek cities and at Rome, or elsewhere, during the evolutionary process of their political rights. A great number of Jews, having spread outside of Palestine long before the loss of their nationality, formed notable groups, constituting what has been designated the *Diaspora*, the 'dispersion'. Some had acquired local political rights, with or without the right of residence; they were in their relation to the Greek cities adopted strangers. Others, by the grace of the Roman law, had become Roman citizens, although they had been led away as slaves by Pompey sixty-three years before the common era. Because of

⁴ *Die Religion des Judenthums im neutestamentlichen Zeitalter*, Berlin, 1903.

⁵ *Comp. Ausführliches Lexikon der griechischen u. röm. Mythologie*, edited by W. H. Roscher, vol. IV (Leipzig, 1909), pp. 232-63.

⁶ *Les Droits politiques des Juifs dans l'Empire romain*, Paris, 1914.

their religious practices they were given freedom, with which went the right of citizenship. We must also remember that because of their number, they must have exercised a great influence upon the political assemblies at the time of Cicero. From the beginning of the third century all the Jews enjoyed the rights and duties of Roman citizens by dint of the edict of Caracalla which designated all the inhabitants of the Roman Empire citizens. It was only after the time of the Christian supremacy that the Jews were deprived of certain civic rights because of a divergent faith ; then in the Middle Ages they were enslaved completely.

Aside from Juster and Cumont, we should have been pleased to see other French books cited. Passing over Augustin Bonetty⁷ because of his orthodox tendencies, we regret the omission of the Jewish historian, Joseph Salvador.⁸ It is true that he had not the scholarly polish of our contemporaries ; but he merits being mentioned for the priority and profoundness of his ideas. With what zeal, with what lofty sentiments he describes how the Jews were the first to symbolize the moral force of resistance ; then how, after the defeat of the Romans under Cestius, beaten by the Jewish nation, the latter succumbed to the number of the conquerors of the world.

Still another remark is pertinent in this place. In telling of the scorn that the Greeks had for the Jews who abstained from all warfare on the Sabbath, Mr. Radin casts doubt upon the possibility of such an occurrence ; because, says he, the Talmudic discussions upon this subject date from the time after the Jews had ceased to engage in war. Is there not a confusion between the Gemara and Mishnah ? We must not forget that the latter, or the Oral Law which is the nucleus of the Talmud, is anterior to the capture of Jerusalem ; it could not help dealing with instances of fighting.

It is, of course, understood that the preceding remarks, which are entirely secondary, do not detract from the value or importance

⁷ *Rapports des Romains et des Juifs*, Paris, 1867, 1871, two large vols.

⁸ *Histoire de la domination romaine en Judée et de la ruine de Jérusalem*, Paris, 1846.

of the American scholar's work, which is meritorious for its matter as well as its form⁹ down to minute particulars.¹⁰ To be brief, Mr. Radin's *résumé* reads well (pp. 368-71): since the Jews bordered upon the Mediterranean, they began to come into close contact with the Greeks at the time of Alexander of Macedonia. Greece was then entering on a new phase of development. Its hegemony made for a greater degree of political unity than had been previously achieved; but above all, a real cultural unity had been created, and was carried by arms and commerce to the East. To this the Jews, as did other nations, opposed a vigorous resistance; and this resistance was successful in so far as it allowed the creation of a practically independent nation, and, particularly, stimulated the independent development of Jewish institutions, especially the religious. Consequently, the conflict with their Greek environment went from bad to worse.

For several centuries the East had been undergoing a great spiritual unrest, from which had grown various religious movements. The common goal was the attainment of a personal immortality—the 'salvation of the soul'. Among the Jews especially this movement had been active, and had produced concrete results in sects. The Jewish aspect of this general movement would have remained a local development had it not been given a wider field by the unusual position of the Jews due to their dispersion, for which various causes can be assigned. Perhaps the most potent single cause was the fact that the Jews, who rigorously opposed exposure of infants and encouraged in other ways the growth of their population, increased too rapidly for the very limited resources of their small and niggardly territory. At any rate, the successors of Alexander found Jews as colonists in many of the new foundations in Asia, Syria, and Egypt, especially the last, where, as a matter of fact, Jews had lived from pre-Persian times. Within these communities the doctrines

⁹ There is a slight error, p. 409: we should read *Vigna* in place of *Signa* Randanini.

¹⁰ A noteworthy instance is the note on Yom Kippur in the Appendix, pp. 399-402.

preached in Palestine became a means of propaganda, and enabled the Jews to do more than maintain themselves in the exceptional positions which their highly specialized religion necessitated.

Besides, the Jews were by no means the only religious group in the Greek communities with proselytizing tendencies. This made friction of some sort inevitable at first, since a community of religious observances for all citizens of a single State was axiomatic in antiquity. However, the anomaly of the Jewish position became less glaring in course of time.

The first stages of Jewish influence are marked by two things : a constantly increasing dispersion, and an equally increasing propaganda that reached all strata of society. As the Roman power extended, the dispersion of Israel increased still more, and for the Hasmonean kings the support of Rome was an invaluable asset. The Jews, however, entered upon an armed conflict with the Graeco-Roman world when their national and religious aspirations, inspired by a Messianic hope, came into contact with the denationalizing tendencies of the imperial system. This conflict might have been avoided if, in addition to the internal movements, there had not been a series of revolts between 68 and 135 A. C., in consequence of constant excitation from without on the part of the hereditary enemies of the Greek East—the Persians, and the Parthians.

And now, passing over a great period of time and space, let us adopt the exclamation of Victor Basch to the Jews of America :¹¹ 'From the day that you were driven out of the land of your ancestors, amid the greatest misfortunes, the most excruciating tortures, you have unweariedly declared with the Prophets that the day of deliverance will come. Friends, events are big with meaning, the day is near at hand ; after the thunder of the gigantic cannon and the lightnings of the mitrailleuses, the Messiah will arise'.

MOÏSE SCHWAB.

Paris, National Library.

¹¹ *Journal Victoire*, April 23, 1916.

JEWISH AND ARABIC MUSIC

Hebräisch-Orientalischer Melodienschatz. I. Band: *Gesänge der Jemenischen Juden.* Zum ersten Male gesammelt, erläutert und herausgegeben von A. Z. IDELSOHN. Leipzig: BREITKOPF UND HÄRTEL, 1914. pp. xi + 158.

JEWISH music, despite its detractors, has a long and uninterrupted tradition. Whatever its origin may have been in antediluvian and mythical times, it emerges in the Bible as an essential and well-organized practice affecting the religious and social life of the nation. Its characteristics, though not well marked and defined, may be inferred from the nature of the musical instruments enumerated in the Bible and their orchestral arrangement; and from the immutable fact of interrelation between the arts of all Oriental nations it is safe to assume that Jewish music was minor and plaintive, limited to the tetrachord or hexachord, and hence what modern Europeans would style monotonous. So much is certain, even if we do not know whether its succession of sounds was diatonic, chromatic, or enharmonic, or whether it possessed a multiplicity or paucity of modes and scales. However, the point to be emphasized is that the music of the Jews did not cease with the conclusion of the Canon or with the annihilation of the Jewish State. On the contrary, it continued to develop along certain lines in the Diaspora, and was a living force until our own days, as may be seen from casual statements made here and there in Rabbinic literature. This development, which in its synagogal aspect has been traced by Francis L. Cohen (comp. *Anglo-Jewish Historical Exhibition Papers*, I, 80 ff.), was merely melodic as distinguished from the harmonic development of European music, but its great potency and dynamic influence was nevertheless felt within the walls of the ghetto, where the murky and crepuscular air was always permeated with the plaintive strains of suffering Israel, who in weal and woe poured out his heart in song, both within the synagogue and outside of it. But unfortunately these very

pathetic and truly beautiful songs were propagated by rote only and were never noted down, giving rise to the frequent dictum of music historians that the Jews have no music of their own, but, like parasites, feed on the music of other nations among whom they happen to live. It remained for our modern age, with its marvellous mechanical contrivances, to record these popular tunes and melodies with scientific precision; thus resulted the great collections of liturgical chants by E. Aguilar (*Ancient Melodies of the Liturgy of the Spanish and Portuguese Jews*, London, 1857), S. Naumbourg (*Recueil de Chants religieux des Israélites*, Paris, 1874), A. Marksohn and W. Wolf (*Auswahl alter hebräischer Synagogal-Melodien*, Leipzig, 1875), A. Kaiser and William Sparger (*A Collection of the Principal Melodies of the Synagogue*, Chicago, 1893), E. Pauer (*Traditional Hebrew Melodies*, London, 1896), and also folk-song collections like that of S. M. Ginzburg and P. S. Marek (*Jüdische Volkslieder in Russland*, St. Petersburg, 1901), and Platon Brunoff (*Jüdische Volkslieder für Mittel-Stimme und Piano*, New York, 1911).

The present collection by A. Z. Idelsohn, which is subsidized by the Kaiserliche Akademie der Wissenschaften in Vienna, the Gesellschaft zur Förderung der Wissenschaft des Judenthums in Berlin, and the Zunz-Stiftung in the same place, is on a much larger scale, and truly deserves to be styled monumental. As the main title implies, this is to be a corpus of all the Jewish melodies in the Orient, both synagogal and non-synagogal. The present volume on the songs of the Yemenite Jews is to be followed by one each on the songs of the Persian, the Babylonian, the Syrian, the Sephardic, and Moroccan Jews—six volumes in all. Besides, this is the first truly scientific attempt at an appreciation of the musical system of the Oriental Jews, and as such deserves the highest praise of all music lovers. Very few outside of professional musicians realize the difficult task involved in noting down for the first time the music of a people without any written records as a guide. The pitfalls are many, particularly if the recorder, as in this case, was brought up on the Occidental harmonic system, which is totally different from the Oriental

melodic system. Fortunately, Idelsohn employed the only scientific apparatus which, since the days of B. J. Gilman (1891), has been used in such undertakings. Through the agency of the Kaiserliche Akademie der Wissenschaften in Vienna he obtained a phonograph apparatus with plates for melodic impressions, and through double and triple tests and measurements he was able to arrive at tolerably exact results as to the diapason and tonic succession of the various voices.

The first volume, as stated above, contains the results of his experiments in the field of Jewish-Yemenite music. His standard for measurements was derived from immigrant Yemenite precentors of Palestine, who preserved their musical traditions intact. For corroboration two impressions were taken for each song, sometimes from two different precentors. These songs, whose text first became known to us through the late Dr. Bacher (*Die hebräische und arabische Poesie der jemenischen Juden*, Budapest, 1910), are of two varieties, synagogal and non-synagogal. The former are divided into fifteen different motives, one each for the recitative parts of the Pentateuch, the lyrical elements of the Pentateuch, Zemirot, Prophets, Psalms, Canticles, Esther, Lamentations, Job, Mishnah, Tefillah or Common Prayer, Seliḥah, Taanit, Azharot, and High Festivals. The latter consists of six motives, covering (1) Halēlot or songs with 'wehaleluya' at the beginning and end, (2) Zāfat or hymeneals accompanying the bridegroom on his way to the bride's house, (3) Ḥidduyot or joy songs testifying to the betrothal, (4) Neshid or popular songs at wedding festivals, (5) Shirot or artificial songs (usually *muwašṣaḥ* or double-rhymed poem) for the wedding, and (6) Shirot for Sabbath celebrations. All these motives, which look formidable at a first glance, may, after careful analysis, be reduced to but a few modes of an infinite simplicity, consisting of an ascending, descending, and levelling (modulating to the tonic) phrase. Especially is this true in the case of synagogal chants, which are largely recitative and do not admit of progressive melodic intonations. The non-Synagogal songs, on the other hand, are mostly melodic, especially the Neshid

and Shirot, which are based on the Oriental *makamat* in their succession of sounds, and are, moreover, accompanied by dances and instrumental music, yielding a harmony *sui generis*, a kind of rhythmic harmony, but no harmony or polyphony in the modern sense of the word. But even in the tripartite Shirot (and be it remarked that very often these are really bipartite, the third element being a repetition of the first), the elemental character of the melodic succession is so marked and conspicuous that we feel intuitively that we are dealing here with primitive music such as must have existed in Palestine during the First and certainly during the Second Temple. This impression is further enhanced by the limitation of this music within the tetrachord and hexachord, its binary form, its minor strain, and, last but not least, its unisonous and antiphonal character. This is an important consideration on which the author fails to dwell in his learned introduction. Needless to say, it is supported by the fact that the Jews of Yemen, according to their own tradition, came to Southern Arabia after the destruction of the First Temple, and remained there ever after in utter seclusion and without any influence from without (comp. Jacob Saphir's account in *אבן ספיר*, Lyck, 1866). While the Sephardic chant was influenced by Oriental and the Ashkenazic by Occidental music, the Yemenite chant led a comparatively pure existence. What Villoteau said of the Egyptian Jews: 'Nous avons la certitude que les Juifs d'Égypte n'ont pas cessé, jusqu'à ce jour, de donner à chacune de leurs diverses espèces de chants une vérité d'expression qui ne permet pas de douter qu'ils n'aient apporté les plus grands soins à leur conserver le caractère qui leur est propre' (*De l'état actuel de la musique en Égypte*, 2^{me} partie, chap. VI, art. iii), may be said more forcibly of the Yemenite Jews. Indeed, Idelsohn arrives at the conclusion that the musical system of the Yemenite synagogal chant is entirely at variance with both the Oriental and Occidental systems. The chromatic and enharmonic successions of the former, as well as the diatonic graduation of the latter, are foreign to the Yemenite Jews, whose system is based on augmented intervals, and whose scales fluctuate

between two, three, four, five, and six tones. We observe in this primitive music what Villoteau observed in the synagogues of Cairo and Alexandria, and what Fétis puts down as the primary characteristic of all primitive Oriental melodies, viz. a scale of a minor sixth both ascending and descending.

Another omission is the discussion of the relation between this primitive music and the chant of the early Christian Church. It is a well-known fact that both the Ambrosian and Gregorian chants which lay at the foundations of Christian music, in spite of being based on the Greek modes, are Jewish in character, and must have had their origin in Temple music (comp., e.g., Fétis, *Histoire générale de la Musique*, I, 166). Not alone their antiphonal character (theme and counter-theme), which closely resembles the principle of parallelism in Hebrew poetry, but also their affinity and predilection for minor modes like the Phrygian and the total eclipse of the Lydian major, point as support to this assertion. If, therefore, as we have reason to suppose, there is a continuity between the Temple melodies and those of the Yemenite synagogue, a comparison between the latter and the so-called *cantus planus* of the Church should be instructive in establishing once for all the degree of influence of the Temple on the early Church in the field of music.

For such a comparison Idelsohn offers us rich material, 127 numbers of the synagogal and 76 of the non-synagogal variety. These are all properly classified and arranged in a way to suit the taste of the European peruser. Thus, among other things, the time and rhythm had to be changed. The words are transcribed in accordance with the peculiar pronunciation of the Yemenite Jews, every shade and nuance being reproduced. Idelsohn made a thorough study of this phase of his work, devoting the first chapter in the introduction to its explanation, for which philologists and grammarians will be indebted to him. Good taste is also shown in the appropriate form and excellent mounting of the book. May the author have the courage to continue his very useful and excellent work, the coming parts of which every music lover will impatiently await.

The Music and Musical Instruments of the Arab, with Introduction on how to appreciate Arab Music, by FRANCESCO SALVADOR-DANIEL, Director of the Paris Conservatoire of Music under the Commune of 1871. Edited, with Notes, Memoir, Bibliography, and Thirty Examples and Illustrations, by HENRY GEORGE FARMER. London: WILLIAM REEVES, 1914. pp. xii + 272.

Salvador-Daniel's work appeared in Algiers in 1863 under the title *La musique arabe, ses rapports avec la musique grecque et le chant grégorien*. Having become very rare, it was republished in 1879, and now appears for the first time in an English translation. The importance of this small book lies in the fact that its author advanced a novel theory with regard to the nature and origin of Arab music. Heretofore La Borde, Villoteau, and Kiesewetter, studying Arab music from obscure treatises of mediaeval Arab philosophers such as Khalil, El-Kindi, Ibn Khaldoun, and Al-Farabi, maintained that Arab music is based on the so-called Messel or Octave of seventeen third tones, and as such was purely Oriental and fundamentally different from the Greek diatonic system, which is based on tones and semitones. They proceeded, therefore, to seek the origin of Arab music in Persia, where we find a scale of semitones, demi-semitones, and even semidemi-semitones, their theory being that Persia, after being conquered by the Arabs, had imposed its music upon the conquerors. This was deemed the more evident since the most important musical instruments of the Arabs, such as the *rebab* and *kemendjah*, were actually derived from Persia. Against this view Salvador-Daniel, on the basis of a practical investigation of nine years among primitive Arabs, came to the conclusion that Arab music, at least that of the Moors, stands in close relation to Greek music and its offspring, the Gregorian chant, and that in the long chain of development of our modern musical structure the apparently primitive music of the Arabs represents the same state of evolution as that prevailing in Europe before the memorable discovery of harmony by Gui d'Arezzo and Jean

de Muris. This, according to the author, was quite natural. With the conquest of Spain the Arabs adopted Greek culture in all its phases, including the art of music. They are known to have established musical academies in Cordova, Seville, Granada, Valencia, and Toledo, where both the theory and practice of this art were fostered in accordance with the Greek pattern. But with the expulsion of the Moors from Spain, and the consequent decay of Arab art and culture, the music of the Arabs, which was then on a mere melodic plane, became petrified and mummified for centuries, while Greek music proceeded through the Church monody to the glories of polyphony and harmony. To prove his point, the author sets forth the striking similarity between the Arab and Greek diatonic modes: thus, the serious and grave Irak mode corresponds to the Dorian, the sad and pathetic Mezmoum to the Lydian, the impetuous and diabolic Edzeil to the Phrygian, the grave and martial Djorka to the Aeolian, the minor L'Saïn to the Hyper-Dorian, the effeminate Saïka to the Hyper-Lydian, the terrible Meia to the Hyper-Phrygian, and the sublime Rasd-Edzeil to the Hyper-Mixo-Lydian. In addition to these eight diatonic modes, the Arabs, like the Greeks, also have chromatic modes, notably the L'Saïn-Sebah, corresponding to our minor scale with G sharp, and the famous Asbein derived from the Mezmoum or Lydian, which, being conducive to indolence and effeminacy, was banished by Plato from his Republic and by the Church from the Gregorian chant. Thus the Arabs possess twelve practical scales or modes (in theory there are fourteen, but two are unknown even to professional musicians) based on various combinations of whole tones and semitones, without a semblance of third and quarter tones. The latter, according to Salvador-Daniel, are the invention of theorists who failed to understand the overtones due to the nasal style and drawled scale of the Arabs, the *portamento* in singing and playing, considering them as independent tones. Accordingly, the Arab *tabaqa* or scale is based on the diatonic and chromatic succession of the Greeks, and follows the same line of development as the Gregorian chant in its system of authentic and plagal or

derived modes. In support of this statement it may be observed that the chants of the Greek Church, which are essentially Ambrosian as opposed to the broader lines and increased modes of the Gregorian system of the Latin Church, are still Oriental in character, and resemble the Arabic chants in their monotony and universal trill. As a further proof for his theory of a Greek influence on Arabic music, Salvador-Daniel adduces the fact that the gradual development of European music from the tetrachord to the hexachord, and then to the octave, may be exemplified also among the Arabs through an examination of their musical instruments. Thus the *gosba* or flute consists of a reed pierced with three holes, and therefore yields only four tones (tetrachord); likewise the *kuitra* or guitar with eight strings is tuned by fourths, every two strings emitting the same tone; the *rebab* or primitive violin, on the other hand, has a range of six notes (hexachord); while the *kemendjah* or violin has the range of a complete octave, likewise the *kijaouak* or flute of six or seven holes, and the *raita* or *raica*, a kind of musette with seven holes. The highest range is reached by the *kanoun* or *ganoun*, Heb. *kinnor*, a harp of seventy-five strings covering three octaves. The *dof*, Heb. *tof*, of various sizes and shapes is used for rhythmic harmony only.

From this brief review of Salvador-Daniel's thesis it may be seen how important and original his work is, and how replete with valuable suggestions. We may differ with him in some essentials, we may oppose the indisputable fact of Persian derivation of Arab musical instruments and the considerable preponderance of the Oriental minor key in the musical compositions of the Moors, we may even doubt his chief contention for a diatonic succession of sounds among the Arabs, in view of the fact that the Indians, Persians, and many Arab tribes in Africa exhibit a fondness for the enharmonic system which, according to Fétis, preceded the chromatic and diatonic divisions in historical development; still the fact remains that his work is refreshing on account of its originality, and the reader will always profit by its perusal. It was natural that he should overdraw his side, just as his predecessors overemphasized the

other side. The truth, no doubt, is that both a Persian and Greek influence may be claimed for Arab music, the former manifesting itself in the musical instruments which are built in accordance with the division of seventeen intervals in the compass of an octave (comp. Carl Engel, *Musical Myths and Facts*, II, 230), and the latter in the subject-matter and form of the musical compositions (comp. e.g. the so-called *nouba gharnata* of the Moors of Spain, which consists of five movements besides a prelude and overture, and in its thematic development corresponds to the European sonata or symphony). After Fétis's application of the principle of evolution to the history of music, tracing our marvellous musical structure back to the hoary Orient and wild deserts of Asia; after Engel's insistent teaching that practically all our musical instruments had their origin in primaeval Asia, we must realize that there is a close interrelation between the musical systems of all nations, and that their influence is mutual and reciprocal. Note, for instance, the Oriental currents which since the days of Félicien David have been flowing so precipitously in the compositions of the modern French and Russian schools; the Gipsy melodies tingling in the rhapsodies of Liszt; the Negro tunes coursing in Dvořák's New World symphony; or the melancholic Jewish strains which, according to Carl Engel, manifest themselves in the compositions of Mendelssohn-Bartholdy. Even our much-vaunted harmony, despite the universal dictum of music historians as to its modernity, is still traced by some writers to antiquity; comp. e.g. Julius Clauser, late Professor of Music at Harvard University (*The Nature of Music: Original Harmony in One Voice*, Cambridge, 1909), who claims that antiquity knew of homophonic or one-voiced harmony as distinguished from polyphonic or many-voiced harmony first introduced by Bach in his fugues.

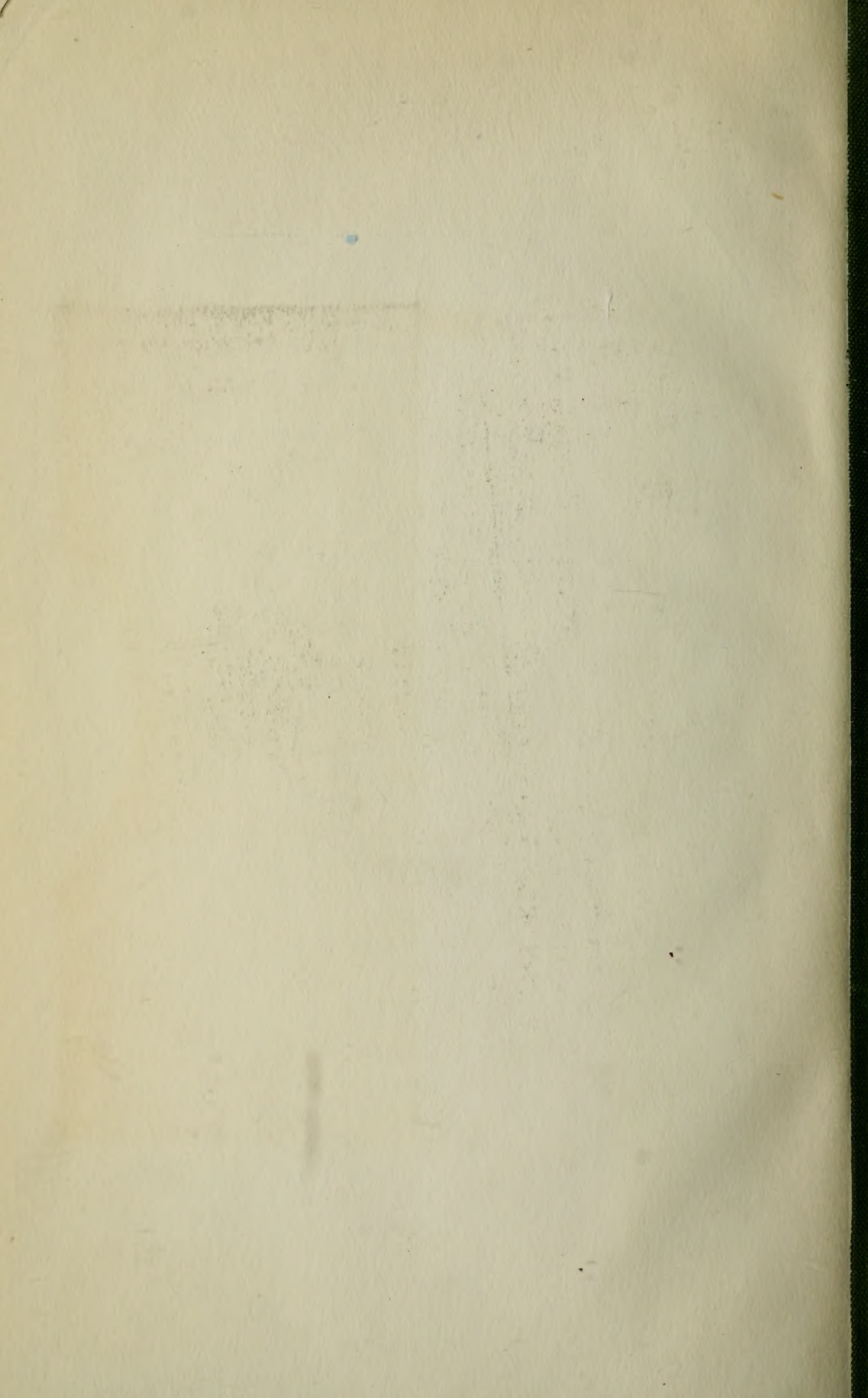
The editor's part in this work is considerable and highly commendable. His notes are lucid and conducive to a better understanding of the text, particularly those on the 'History of Arab Music' and the musical examples of the various modes. The Bibliography might have been more complete. It does not

contain, e.g. 'A Treatise on Arab Music', chiefly from a work by Mikhāil Meshākah of Damascus, translated from the Arabic by Eli Smith, and published in the *Journal of the American Oriental Society*, I (1847), 171 ff.; nor do we find here Rafael Mitjana's 'L'Orientalisme musical et la Musique arabe', which appeared in *Le Monde Oriental*, I (1906), 184 ff. Besides, the titles are not specific enough, the place of publication and the particular pages of reference being often omitted.

The most noteworthy contribution of the editor constitutes his 'Memoir of F. Salvador-Daniel', which is written with a true artist's fervour and a warm glow of sympathy. It contains the most complete and reliable information about this struggling spirit and restless revolutionary. From it we learn that the artist was born in Spain in 1831, came to Paris at a time when civilized Europe was at the zenith of musical frivolity and artistic persiflage, when *Opéra-bouffe* was the slogan for every young composer, and when, as a timely antidote, Félicien David appeared from the Orient with a new message embodied in his *Mélodies orientales* and *Le Désert*. The young artist was overpowered by the spell of the exotic and bizarre, mysterious and distant Orient with its splendour of light and richness of colour, its frenetic passions and exalted emotions; and yielding to its charm he went to Algiers, where he became active as musical director, translator of ancient music treatises of the Arabs, and collector of native airs embodied in his *Chansons arabes* and *Chants kabyles*. Before the Franco-Prussian War he returned to Paris, where he soon became involved in the turmoils of the Commune, and, after being honoured by his appointment as Director of the Conservatoire, was killed while fighting for the Commune.

Dropsie College.

JOSEPH REIDER.



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